

800

189 FEDERAL REPORTER, 2d SERIES

CHURCH OF JESUS CHRIST OF LATTER
DAY SAINTS v. SCARBOROUGH.

No. 4187.

United States Court of Appeals
Tenth Circuit.
May 10, 1951.

Rehearing Denied June 5, 1951.

Action by Spencer B. Scarborough, administrator of the estate of Eliza J. Holt, against the Church of Jesus Christ of Latter Day Saints to recover sum on deposit with church. The United States District Court for the District of Utah, Willis W. Ritter, J., entered judgment for plaintiff, and defendant appealed. The Court of Appeals, Pickett, Circuit Judge, held that agreement between parties was binding contract even though it included testamentary verbiage and words indicating a gift and even though passing of title to deposit was postponed until death.

Judgment reversed and cause remanded, with directions.

Gifts \S 5(1)
Wills \S 92

Where owner of \$7,000 deposit with church made agreement whereby church was to pay interest on fund during life of owner with fund to become property of church upon death of owner, even though agreement contained testamentary verbiage and terms indicating a gift but was invalid as either testamentary disposition or gift, instrument was binding as contract.

Leon Sarpy, New Orleans, La. (Ray, Quinney & Nebeker, and Albert R. Bowen, all of Salt Lake City, Utah, and Chaffe, McCall, Toler & Phillips, New Orleans, La., on the brief), for appellant.

James William Jones, Jr., Natchitoches, La., for appellee.

Before BRATTON, HUXMAN, and PICKETT, Circuit Judges.

PICKETT, Circuit Judge.

The plaintiff, as administrator of the estate of Eliza J. Holt, brought this action against the Church of Jesus Christ of Latter Day Saints, hereinafter referred to as the Church, to recover \$7000 which was

on deposit with the Church pursuant to the terms of an instrument executed by the parties on August 9, 1929. This appeal is from a judgment in favor of the plaintiff.

On about April 1, 1926, Charles E. Holt deposited with the Church in the State of Utah the sum of \$7000. Holt died in 1929 and his widow, Eliza J. Holt, a resident of Louisiana, became the owner of the \$7000 and made claim to the same. A representative of the Church went to Louisiana to discuss the matter with Mrs. Holt and her attorney, and the above mentioned instrument resulted. It provided that the funds should remain on deposit with the Church under the conditions set forth in that instrument, with the ownership remaining in Mrs. Holt. The amount was to bear interest at the rate of 5% per annum payable semi-annually on the 1st day of April and the 1st day of October of each year throughout the life of Mrs. Holt. The Church also agreed to pay 4% per annum from April 1, 1926, to October 1, 1929. It further provided: "It being especially understood and agreed herein, that any neglect or default in the payment of any maturing interest, as herein stated, then at the option of the said Mrs. Holt, this agreement to be abrogated and annulled, and the entire amount of principal of Seven Thousand Dollars to be returned to the said Mrs. Holt, immediately and all accrued interest." The instrument concluded with this language: "And it is agreed that on payment of the interest as herein stipulated, the said principal shall become the property of the said Church of Jesus Christ of Latter Day Saints and under onerous donation, at the time of the death of the donor, Mrs. Eliza J. Holt." There were phrases in the instrument appearing to be of a testamentary character or which indicated that a gift may have been intended.

The parties agree that the provisions of the instrument do not amount to a testamentary disposition or a gift under the laws of Louisiana. We have then to consider only the question of whether the instrument was a binding contract between the parties whereby the deposit became the property of the Church upon the death of

BEST AVAILABLE IMAGE POSSIBLE

EXHIBIT J

11/11/08 04:11 03503 224 7324 DURN CARNEY 3 0003

STEVEN F. ENGLISH, OSB #73084
 LORI R. METZ, OSB #83266
 KAREN M. VICKERS, OSB #91381
 BULLIVANT HOUSER BAILEY
 300 Pioneer Tower
 888 SW Fifth Avenue
 Portland, OR 97204-2089
 Telephone: (503) 228-6351
 Facsimile: (503) 295-0915

E-Mail: Steve.F.English@Bullivant.Com
 Lori.Metz@Bullivant.Com
 Karen.Vickers@Bullivant.Com

Attorneys for Corporation of the Presiding
 Bishop of the Church of Jesus Christ of
 Latter-Day Saints, The Church of Jesus Christ
 of Latter-Day Saints and Corporation of the
 President of the Church of Jesus Christ of
 Latter-Day Saints

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

JEREMIAH SCOTT,

Plaintiff,

v.

CORPORATION OF THE
 PRESIDING BISHOP OF THE
 CHURCH OF JESUS CHRIST OF
 LATTER-DAY SAINTS, a Utah
 corporation sole; GREGORY LEE
 FOSTER, an individual; THE
 CHURCH OF JESUS CHRIST OF
 LATTER-DAY SAINTS, a Utah
 corporation sole; THE
 CORPORATION OF THE
 PRESIDENT OF THE CHURCH OF
 JESUS CHRIST OF LATTER-DAY
 SAINTS, a Utah corporation sole.,

Defendants.

Civil No. 98-366-AA

CHURCH DEFENDANTS'
 REPLY ON THEIR MOTION
 FOR JUDICIAL
 DETERMINATION OF
 DIVERSITY JURISDICTION
 ORAL ARGUMENT
 REQUESTED

Page 11 - CHURCH DEFENDANTS' REPLY ON THEIR MOTION FOR JUDICIAL
 DETERMINATION OF DIVERSITY JURISDICTION
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 08-11-2009 BY 60322
 (b) (5) DPP, (b) (5) ACP

11/11/08 04:11 03503 224 7324 DURN CARNEY 3 0004

Plaintiff's Response Memorandum succinctly states the sole issue
 now before this Court for decision: "If the Mormon Church is, in fact, an
 unincorporated association, plaintiff concedes that there would not be
 complete diversity." (Plaintiff's Response to Church Defendants' Motion for
 Judicial Determination of Diversity Jurisdiction ("Plaintiff's Response" at
 p. 2). Plaintiff argues that The Church of Jesus Christ of Latter-Day Saints is
 not an unincorporated association, and wrongly asserts that in the case of The
Church of Jesus Christ of Latter-Day Saints v. Brown, 764 P.2d 759 (Ariz.
 App. 1988), the LDS Church "admitted at the trial court level that it was a
 'Utah corporation (sole)'." (Plaintiff's Response at 3). This assertion not
 only contradicts the factual record in the Brown case, but is repudiated by the
 very document which plaintiff attaches as Exhibit 3 to his Response - the
 Church's Answer in the Brown case. The unincorporated Church had been
 sued as "The Church of Jesus Christ of Latter-Day Saints, a corporation." As
 the Court can see from Paragraph 1 of that Answer (attached hereto as

Exhibit 1), the unincorporated Church, rather than admitting that it was a
 corporation sole as plaintiff herein wrongly suggests, explicitly stated "the
 true name of this defendant is THE CORPORATION OF THE PRESIDENT
 OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah
 corporation (sole)." (capitalization in original). No "judicial admissions"
 were made by the Church that it was in fact a corporation; rather, the Church
 corrected plaintiff's erroneous naming of the wrong defendant by answering
 in the name of the proper defendant in that action.

Plaintiff herein suggests that "documentation or sworn affidavits"
 would assist it in determining the Church's status. Such documentation is
 attached. Exhibits 2 and 3, respectively, are Certificates of Good Standing

Page 2 - CHURCH DEFENDANTS' REPLY ON THEIR MOTION FOR JUDICIAL
 DETERMINATION OF DIVERSITY JURISDICTION
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 08-11-2009 BY 60322
 (b) (5) DPP, (b) (5) ACP

BEST AVAILABLE IMAGE POSSIBLE

11/11/08 04:11 3503 221 7324

BURN CARNEY 3

0005

11/11/08 04:12 3503 221 7324

BURN CARNEY 3

0008

1 for the two Defendants corporations named as parties to this lawsuit, The
 2 Corporation of the President of the Church of Jesus Christ of Latter-Day
 3 Saints ("COP"), and The Corporation of the Presiding Bishop of the Church
 4 of Jesus Christ of Latter-Day Saints ("CPB"). Exhibit 4 is an Affidavit of
 5 Dwayne L. Liddell, Director of Risk Management. This Affidavit clearly
 6 establishes that although COP and CPB are Utah corporations sole, The
 7 Church of Jesus Christ of Latter-Day Saints is not, rather, it "is an
 8 unincorporated religious association with a worldwide membership of
 9 approximately 10 million members, including members in all fifty states,"
 10 (Liddell Affidavit, Exhibit 4 at 74).

11 Once the defendant in a diversity suit has challenged the
 12 plaintiff's allegations of diversity of citizenship, and has met its burden of
 13 production, as defendants have here, the plaintiff has the burden of proving
 14 that diversity jurisdiction exists. *Lee v. Weas*, 797 F.2d 747, 751 (9th Cir.
 15 1986); *Gonzon v. Goos*, 302 F.2d 421 (8th Cir 1962); 1 Fed Proc Led 1995,
 16 § 1:352. It is clear that plaintiff will be unable to satisfy this burden.

17 Defendants would like to reemphasize that they do not
 18 particularly wish to see this matter remanded to state court, and are content
 19 to proceed in federal court. However, lack of federal court jurisdiction is not
 20 waivable, and can be raised at any time, including by the Ninth Circuit
 21 *see, e.g., Morongo Band of Mission Indians v. California State Board of*
 22 *Equalization*, 849 F.2d 1197, 1199 (9th Cir 1988). Defendants would like the
 23 certainty of a court ruling on the propriety of federal court jurisdiction before
 24 proceeding further with this litigation.¹

25
 26 ¹ Indeed, Defendants would affirmatively represent to this court that the proper defendant
 herein is the unincorporated association the Brentwood Ward of the Portland Oregon Stake
 Page 1 - CHURCH DEFENDANTS' REPLY ON THEIR MOTION FOR JUDICIAL
 DETERMINATION OF DIVERSITY JURISDICTION
 BULLIVANT HOUSER BAILEY
 A PROFESSIONAL CORPORATION
 1000 NE Oregon Street
 Portland, Oregon 97232
 Tel: 503.221.7324
 Fax: 503.221.7325

CONCLUSION

For the reasons set forth above and in their original
 memorandum, Defendants move this Court to make a ruling on the diversity
 of the parties and the propriety of federal court jurisdiction before litigation
 proceeds further. If the Court decides that the presence of the LDS Church as
 a defendant destroys diversity jurisdiction, defendants would request that this
 Court provide Plaintiff with the opportunity to file an Amended Complaint
 dropping the LDS Church as a defendant and adding the Brentwood Ward. If
 Plaintiff chooses to do so, the parties will then proceed in federal court.

DATED this 10th day of November, 1998.

BULLIVANT HOUSER BAILEY
 A Professional Corporation

By *Stephen F. English, OSB #73084*
Carl R. Metz, OSB #85286
Karen M. Vickers, OSB #91381

Attorneys for Corporation of the Presiding
 Bishop of the Church of Jesus Christ of Latter-
 Day Saints, The Church of Jesus Christ of
 Latter-Day Saints, and the Corporation of the
 President of the Church of Jesus Christ of
 Latter-Day Saints

of The Church of Jesus Christ of Latter-Day Saints. This is the unincorporated association of
 which plaintiff was a member, the unincorporated association in which the allegedly
 negligent acts occurred, and the unincorporated association of which Gregory Lee Voster, a
 defendant in this action, was the local lay leader (bishop). As Defendants have suggested to
 Plaintiff before, simply amending the complaint to substitute the Brentwood Ward as
 Defendant would eliminate any jurisdictional problems, as all members of the Brentwood
 Ward are Oregon residents.

EXHIBIT K

11/11/98 04:14 25603 224 7324

DURR GARNEY 3

0013

11/11/98 04:14 25603 224 7324

DURR GARNEY 3

0014

Stephen English (OSH 73084)
Lori Metz (OSH 85286)
Karen Vickery (OSH 91381)
Bullhead Houser Bailey
888 S.W. Fifth Avenue
Portland, OR 97204-2089
Telephone: (503) 228-6551

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JEREMIAH SCOTT,

Plaintiff,

No. 98-36 AA

AFFIDAVIT OF
DWAYNE L. LIDDELL
IN SUPPORT OF
CHURCH DEFENDANTS' MOTION
FOR JUDICIAL DETERMINATION
OF DIVERSITY JURISDICTION

CORPORATION OF THE PRESIDENT
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS, a
Utah corporation sole; GREGORY LEE
FOSTER, an individual; THE CHURCH
OF JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole; THE
CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS, a Utah
corporation sole;

Defendants.

STATE OF UTAH)
COUNTY OF SALT LAKE) ss

Dwayne L. Liddell, having been duly sworn upon his oath, deposes and states as follows:

EXHIBIT 4 Pg. 1 of 3

1. My name is Dwayne L. Liddell. I am over the age of eighteen, of sound mind, and competent in all respects to make this Affidavit. The facts stated herein are true, correct, and within my personal knowledge.

2. I am the director of Risk Management for The Church of Jesus Christ of Latter-day Saints (the "Church").

3. I have personal knowledge regarding the organization, structure, and membership of The Church of Jesus Christ of Latter-day Saints, including stakes and wards such as the Portland Oregon Stake and the Brentwood, Oregon Ward.

4. The Church of Jesus Christ of Latter-day Saints is an unincorporated religious association with a worldwide membership of approximately 10 million members, including members in all fifty of the United States, including the State of Washington. Individuals become members by appropriate study, commitment, and by baptism as provided in scripture. The Church of Jesus Christ of Latter-day Saints is not governed by a civil charter; instead, it is governed by religious tenets, scripture and divine revelation. The purpose of The Church of Jesus Christ of Latter-day Saints is to invite all to come to Jesus Christ and be perfected in him. The Church of Jesus Christ of Latter-day Saints is not incorporated.

5. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints and the Corporation of the President of the Church of Jesus Christ of Latter-day Saints

EXHIBIT 4 Pg. 2 of 3

11/11/98 04:11 0503 224 7324

BURN CARNEY 3

Q015

11/11/98 04:15 0503 224 7324

BURN CARNEY 3

Q016

are tax-exempt corporations sole, organized under the laws of the State of Utah to acquire, hold, and dispose of property for the Church.

SUBSCRIBED AND SWORN to before me this 9th day of November, 1998.



Paul D. Harty
Notary Public for Utah
My Commission Expires: 12/31/1998

Wayne E. Haggins
WAYNE E. HAGGINS
DWAYNE.L.IDJELL

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 1998, the foregoing CHURCH DEFENDANTS' REPLY ON THEIR MOTION FOR JUDICIAL DETERMINATION OF DIVERSITY JURISDICTION was served on the parties by delivering to their offices, by the method indicated, copies thereof addressed as follows:

Gray E. Rhoades
Dunn Carney Allen Higgins & Tongue
851 SW Sixth Avenue, Suite 1500
Portland, OR 97204

HAND DELIVERY

Attorneys for Plaintiffs
Joel T. Saloni
810 Bellevue Way NE, Ste. 300
Bellevue, WA 98004

MAIL

Attorneys for Defendants
Jeffrey M. Kilmer
Kilmer Voorhes & Lunnick, PC
732 NW 19th Avenue
Portland, OR 97209

HAND DELIVERY

Attorneys for Defendant Greg Foster

not to be used

Lois R. Metz

EXHIBIT L

GENERAL
HANDBOOK
OF
INSTRUCTIONS

Published by
The Church of Jesus Christ of Latter-day Saints
Salt Lake City, Utah

Copyright © 1976, 1983, 1985, 1989 by
Corporation of The President of
The Church of Jesus Christ of Latter-day Saints
All Rights Reserved

Printed in the United States of America

DISTRIBUTION

General Authorities, general Church department heads and auxiliary presidencies, directors of temporal affairs, Regional Representatives (1 copy each)

Temple president (4 copies)

Stake president (5 copies)

Bishop (4 copies)

Mission president (3 copies)

District president (5 copies)

Branch president (3 copies)

Local Church officers could make a copy of the handbook available temporarily, as needed, to such leaders as high councilors, high priests group leaders, elders quorum presidents, stake mission presidents, ward mission leaders, executive secretaries, and clerks.

This handbook has been prepared solely for use by general and local Church officers to administer the affairs of the Church. It should not be duplicated. When a Church officer who has a copy of the handbook is released, he is to transfer the copy promptly to his successor or to his presiding authority.

MISSION APPLICATION

Mission presidents and district and branch presidents in missions are to follow the instructions in this handbook as far as they are applicable. Each mission president determines whether any modification to the instructions is necessary in his mission after consulting with, and as directed by, his Area Presidency.

Contents

Distribution	iii
Mission Application	iii
Foreword	xi
1. Church Administration	1-1
General Church Administration	1-1
Area Administration	1-1
Area Presidency	1-1
Director for Temporal Affairs	1-1
Regional Administration	1-1
Stake Administration	1-1
Stake Presidency	1-1
High Council	1-2
Alternate High Councilors	1-3
Stake Executive Secretary	1-3
Stake Clerk and Assistant	1-3
Stake Clerks	1-3
Ward Administration	1-3
Bishopric	1-3
Ward Executive Secretary	1-4
Ward Clerk and Assistant	1-4
Ward Clerks	1-5
Mission and District Administration	1-5
Creating New Units	1-5
Stakes	1-5
Wards	1-5
Branches	1-5
Unit Modification	1-5
Approval Process	1-5
Naming Policy	1-6
Wards and Branches	1-6
Stakes and Districts	1-6
Name Retention	1-6
Single Members	1-6
Young Single Adults in Conventional	1-6
Wards and Stakes	1-6
Young Single Adult Wards and	1-6
Branches	1-6
Single Adults	1-7
Military Units	1-7
Recommendation and Approval of Church	1-8
Units	1-8
2. Meetings	2-1
General Conferences	2-1
Area Council Meetings	2-1
Regional Council Meetings	2-1
Stake Meetings	2-1
Stake Conference	2-1
Stake Presidency Meeting	2-2
Stake Presidency and High Council	2-2
(Stake Priesthood Executive	2-2
Committee) Meeting	2-2
Stake Welfare Services Committee	2-2
Meeting	2-2
Stake Council Meeting	2-2
Stake Melchizedek Priesthood	2-2
Committee Meeting	2-2
Stake Aaronic Priesthood Committee	2-2
Meeting	2-2

Meetings with Bishoprics	2-2
Stake General Priesthood Meeting	2-2
Stake Priesthood Leadership	2-2
Meeting	2-2
High Priests Quorum Meeting	2-3
Stake Bishops' Welfare Council	2-3
Meeting	2-3
Stake Committee for Single Adults	2-3
Meeting	2-3
Stake Young Men-Young Women	2-3
Committee Meeting	2-3
Stake Auxiliary Training Meeting	2-3
Ward Meetings	2-3
Bishopric Meeting	2-3
Ward Priesthood Executive Committee	2-4
Meeting	2-4
Ward Welfare Services Committee	2-4
Meeting	2-4
Ward Council Meeting	2-4
Ward Conference	2-4
Bishopric Youth Committee Meeting	2-4
Ward Young Men-Young Women	2-4
Committee Meeting	2-4
Ward Committee for Single Adults	2-4
Meeting	2-4
Sunday Meetings	2-4
Sacrament Meeting	2-5
Fast and Testimony Meeting	2-5
Priesthood Quorum and Group	2-6
Meetings	2-6
Sunday School	2-6
Relief Society	2-6
Young Women	2-6
Primary	2-6
Weekday Meetings and Activities	2-6
Family Home Evening	2-6
Funerals	2-6
Preparation	2-6
Temple Burial Clothing	2-7
Funeral Services for Members	2-7
Burial	2-7
Financial Policies	2-7
Funeral Services for Nonmembers	2-7
Chart of Meetings	2-8
Sunday Meeting Schedule	2-11
3. Calls and Releases	3-1
Calling Members to Positions	3-1
Prospective Appointments and Releases	3-1
Extending a Call	3-1
Selecting a Bishop and His Counselors	3-1
Selecting a Branch President in a Stake	3-1
Sustaining and Releasing Officers and	3-1
Teachers	3-1
Setting Apart Officers and Teachers	3-2
Setting Apart Bishoprics	3-2
Records for Calls and Releases	3-2
Student Stakes and Wards	3-3
Singles Wards	3-3
Chart of Calls	3-4
4. Ordinations	4-1
Aaronic Priesthood Ordinations	4-1

Ordaining and Setting Apart		Civil Marriage for Nonmembers	6-4
Bishops	4-1	Where Civil Marriages Are	
Ordaining Deacons, Teachers, and		Performed	6-4
Priests	4-1	Civil Marriage Ceremony	6-4
Melchizedek Priesthood Ordinations	4-1	Wedding Receptions	6-5
Ordaining Elders	4-2	Sealing	6-5
Ordaining High Priests	4-2	Change in Sealing Status	6-5
Ordaining Students and Servicemen Living		Sealing after Civil Marriage	6-5
Away from Home	4-2	Sealing after Temple Marriage for	
Conferring the Priesthood and Ordaining		Time Only	6-5
to an Office	4-3	Marriage and Sealing after the Death of	
Priesthood Line of Authority	4-3	a Spouse or after Divorce	6-5
Chart of Ordinations	4-3	Sealing after Transgression	6-5
		Sealing of Wife to Husband	6-5
5. Ordinances and Blessings	5-1	Cancellation of Sealing	6-6
Performing Ordinances	5-1	Sealing Children to Parents	6-6
Recommend to Perform an Ordinance	5-1	Sealing Deceased Adopted or Foster	
Ordinances for Adopted Children	5-1	Children	6-6
Records of Ordinances	5-1	Sealing Living Adopted or Foster	
Performing Ordinances and Giving		Children	6-6
Blessings	5-1	Sealing Children Born out of	
Naming and Blessing Children	5-1	Wedlock	6-6
Baptism	5-2	Sealing Children Conceived by	
Confirmation	5-3	Artificial Insemination	6-6
Sacrament	5-4	Child Care at Temples	6-6
Consecrating Oil	5-4	Other Special Sealing Situations	6-7
Administering to the Sick	5-4	Restoration of Blessings	6-7
Fathers' Blessings and Other Blessings		Reconfirmation of Endowments and	
of Comfort and Counsel	5-5	Ratification of Sealings	6-7
Patriarchal Blessings	5-5	For the Living	6-7
		For the Dead	6-7
6. Temples, Marriage, and Family History	6-1	Prayers and Administrations in Temples	6-7
Recommends to Enter a Temple	6-1	Calling Temple Ordinance Workers	6-7
Issuing Recommends	6-1	Family History	6-7
In Missions	6-1	Members	6-7
Outside of Stakes and Missions	6-1	Adopted Children	6-7
To Members Living Away from		Submitting Names for Temple	
Home Temporarily	6-1	Ordinances	6-7
To Members Moving into a Ward	6-2	Waiting Period	6-8
To New Members of the Church	6-2	Stillborn Child (Death of Child before	
For Own Endowment	6-2	Birth)	6-8
To Members with Mental		Child under Eight Who Dies	6-8
Handicaps	6-2	Deceased Persons Who Had Mental	
To Members with Physical		Handicaps	6-8
Handicaps	6-2	Submitting Information to the	
After Divorce, Separation, or		Ancestral File	6-8
Annulment	6-2		
To Perform Baptisms for the		7. Missionary Service	7-1
Dead	6-2	Qualifications for Full-time Missionary	
Lost and Stolen Recommends	6-3	Service	7-1
Unworthy Recommend Holders	6-3	Age and Term of Service	7-1
Preparation to Go to a Temple	6-3	Recommending Full-time	
Garments and Other Clothing	6-3	Missionaries	7-1
Clothing to Wear to a Temple	6-3	Special Clearances	7-1
Clothing to Wear in a Temple	6-3	Missionary Service for Members Who	
Wearing and Care of Garments	6-3	Have Been Involved in Abortions	7-1
Disposing of Garments and Temple		Financial Considerations	7-1
Clothing	6-3	Assignments for Couples and Lady	
Temple Visits	6-3	Missionaries	7-1
Marriage	6-4	Missionary Recommendation Papers	7-2
Temple Marriage	6-4	After the Call Is Received	7-2
Temple Marriage for Time Only	6-4	Sacrament Meeting, Receptions,	
Civil Marriage	6-4	Publicity	7-2

Personal Temple Endowments	7-2	General Missionary Fund	9-2
Setting Apart Missionaries	7-2	Budgets	9-2
Transportation	7-3	Stake and Ward Budgets	9-2
Travel Arrangements	7-3	Voluntary Contributions	9-2
Requests to Transport Items to a		Special Activities and Projects	9-2
Mission	7-3	Confidentiality of Tithing and	
In the Field	7-3	Donations	9-2
Belated Confessions	7-3	Handling Funds	9-2
Medical Insurance	7-3	Receiving Tithes and Donations	9-2
Care of Missionaries on Medical		Verifying Tithing and Donations	9-3
Leave	7-3	Safeguarding Church Funds	9-3
Fasting	7-3	Receipting Tithing and Donations	9-3
Release of Missionaries	7-3	Local Unit Savings Accounts and Time	
Recommends to Enter a Temple	7-4	Deposits	9-3
Interviews and Reports	7-4	In-Kind Donations, Including	
Tuberculosis Testing	7-4	Tithing	9-3
Stake Missionary Work	7-4	LDS Foundation	9-3
Stake Mission Presidency	7-4	Scouting Funds	9-3
Stake Missionaries	7-4	Audits	9-4
Ward Mission Leader	7-4	Stake Audit Committee	9-4
Stake Mission	7-4	Auditors	9-4
8. Records and Reports	8-1	Taxes	9-4
Responsibility for Records	8-1	Meetinghouses	9-4
Training	8-1	Fund-raising Projects	9-4
Using Records and Reports	8-1	Sales Tax	9-5
Confidentiality	8-1	Property Tax	9-5
Records Management	8-1	Internal Revenue Service Form 1099	9-5
Activity Records	8-1	10. Church Discipline	10-1
Annual History	8-1	The Purposes of Church Discipline	10-1
Membership Records	8-2	Responsibility for Church Discipline	10-1
Members of Record	8-2	Confessions and Confidentiality	10-2
Presenting Membership Records in		Confessions	10-2
Sacrament Meeting	8-2	Restitution	10-2
Calling New Members to Positions	8-2	Investigation	10-2
Maintaining Membership Records	8-2	Confidentiality	10-2
Members Who Move	8-2	Informal Church Discipline	10-2
Records of Youth Away from Home ...	8-3	Private Counsel and Caution	10-3
Members Who Travel	8-3	Informal Probation	10-3
Members Serving outside Their Home		Formal Church Discipline	10-3
Ward	8-3	When a Disciplinary Council Is	
Request for Contact	8-3	Mandatory	10-3
Members in Hospitals or Homes for		Murder	10-3
the Aged	8-3	Incest	10-3
Members in Military Service	8-3	Apostasy	10-3
Members in Prison	8-3	Serious Transgression While	
Special Situations	8-3	Holding a Prominent Church	
Changing Ordinance Information	8-3	Position	10-4
Changing Civil Information	8-4	Transgressor Who Is a Predator ...	10-4
Removing Names from Church		Pattern of Serious	
Records	8-4	Transgressions	10-4
9. Finances	9-1	Serious Transgression That Is	
Responsibility for Finances	9-1	Widely Known	10-4
Tithing	9-1	When a Disciplinary Council May Be	
Definition of Tithing	9-1	Necessary	10-4
Who Should Pay Tithing	9-1	Abortion	10-4
When Tithing Is Paid	9-1	Transsexual Operation	10-4
Use of Tithing Funds	9-1	When a Disciplinary Council Is Not	
Tithing Settlement	9-1	Necessary	10-4
Fast Offerings	9-1	Passage of Time	10-4
Missionary Funds	9-1	Failure to Comply with Some	
Ward Missionary Funds	9-1	Church Standards	10-4
Soliciting Funds	9-2	Business Failures or Nonpayment of	
		Debts	10-4

11. Church Policies	11-1
Policies Affecting General Authorities	11-1
Autographs and Photographs	11-1
Privately Published Writings	11-1
Quotations from Church Publications	11-1
Recording Addresses	11-1
Policies on Administration	11-1
Adoption and Foster Care	11-1
Assisting Transients	11-1
Business Interests	11-1
Church Service Volunteers	11-1
Copyrighted Materials	11-1
Counseling	11-2
Dedicating Homes	11-2
Fraudulent Claims of Sales Agents ...	11-2
Immigration of Members	11-2
Income Taxes	11-2
Interviewing Candidates for Seminary	
Graduation	11-2
Political Parties and Candidates	11-2
Requirements for Church	
Employees	11-3
Worthiness for Callings, Ordinations,	
and Recommends	11-3
Worthiness to Enroll at the Church	
University and Colleges	11-3
Policies on Activities, Meetings, and	
Travel	11-3
Church Activities	11-3
Standards	11-3
Single Adult Member Activities ...	11-3
Fast Day	11-3
Keeping the Sabbath Day Holy	11-3
Prayers in Church Meetings	11-3
Travel of Church Groups	11-4
Policies on Moral Issues	11-4
Abortion	11-4
Abuse and Cruelty	11-4
Artificial Insemination	11-4
Birth Control	11-4
Chastity, Fidelity, and Moral	
Cleanliness	11-4
Donation of Sperm	11-4

This handbook has been prepared to guide priesthood officers so "that they themselves may be prepared, and that my people may be taught more perfectly, . . . and know more perfectly concerning their duty, and the things which I require at their hands" (D&C 105:10). The instructions in this handbook should guide servants of the Lord in directing the Church and helping to strengthen families.

This 1989 edition supersedes all previous editions of the *General Handbook of Instructions*, which should be destroyed.

Detailed instructions regarding priesthood, auxiliary, and other Church programs are included in organizational handbooks and other administrative publications whose provisions are not repeated here.

The *Bulletin* contains supplemental instructions.

Correspondence from the First Presidency contains changes in policy and procedure. When the instructions in this handbook are changed, leaders should mark the change in their copies and include the date and source of the change. Leaders should keep this handbook, issues of the *Bulletin*, and correspondence from the First Presidency together in a loose-leaf binder. Leaders should direct any questions concerning handbook instructions to their presiding authority.

Church officers should be familiar with the instructions in this handbook. Beyond these instructions, they should earnestly seek the guidance of the Holy Spirit for direction as they serve the Lord in their callings. They should follow the admonition of the Lord, "Wherefore, now let every man learn his duty, and to act in the office in which he is appointed, in all diligence" (D&C 107:99).

The First Presidency

1. Church
Administration

1. Church Administration

GENERAL CHURCH ADMINISTRATION

The President of the Church is President of the High Priesthood of the Church. He presides over the entire Church. (See D&C 107:65-67, 91.) His counselors assist him, and, with him, constitute the First Presidency of the Church (see D&C 124:126).

The Quorum of the Twelve Apostles officiates under the direction of the First Presidency (see D&C 107:33; 112:30). Apostles are "special witnesses of the name of Christ in all the world" (D&C 107:23; see also verse 33).

The members of the First Quorum of the Seventy are "called to preach the gospel, and to be especial witnesses unto the Gentiles and in all the world" (D&C 107:25). They act "under the direction of the Twelve . . . in building up the church and regulating all the affairs of the same in all nations" (D&C 107:34).

The Presiding Bishopric is the Presidency of the Aaronic Priesthood and, under the direction of the First Presidency, administers the temporal affairs of the Church (see D&C 107:15, 68).

AREA ADMINISTRATION

Area Presidency

Members of the First Quorum of the Seventy also serve in Area Presidencies that supervise the affairs of the Church in assigned areas of the world.

Director for Temporal Affairs

Directors for temporal affairs are assigned in geographical areas outside the United States and Canada; they represent the Presiding Bishopric in administering the temporal affairs of the Church.

REGIONAL ADMINISTRATION

Regional Representatives train local leaders in assigned regions as directed by the Quorum of the Twelve through the Area Presidencies. Regional Representatives do not take part in Church disciplinary councils and do not counsel individual members.

STAKE ADMINISTRATION

Stake Presidency

The stake president presides over a stake and, with his counselors, is responsible for all affairs of the stake. The president and his counselors are the stake

presidency. The following duties are the personal responsibilities of the president. If he is absent or ill, he may assign them temporarily to a counselor, except where noted to the contrary. The stake president—

1. Transacts stake business with General Authorities and Regional Representatives and receives instructions and training from them.
2. Recommends counselors in the stake presidency (see "Chart of Calls," p. 3-4). He recommends bishops and ordains and sets apart bishops as authorized by the First Presidency. He calls branch presidents. He sets apart counselors in bishoprics and branch presidents and their counselors. (See section 3, "Calls and Releases"; and section 4, "Ordinations.") He directs the training of bishoprics. A stake president may not assign these duties to a counselor, except for setting apart counselors to bishops and branch presidents.
3. Calls, presides over, and directs the high council.
4. Presides over the stake high priests quorum. The stake presidency is the presidency of this quorum.
5. Recommends patriarchs and ordains them as authorized by the Quorum of the Twelve. A stake president may not assign this duty to a counselor. The president supervises the work of patriarchs and the issuing of patriarchal blessing recommends by bishops (see *Information and Suggestions for Patriarchs*). In recommending patriarchs, stake presidents should remember that if too many patriarchs serve in a stake, perhaps none of them will give enough blessings to retain the spirit of their calling. Active patriarchs should not serve in a bishopric or in a high council and, generally, should not serve in an administrative position.
6. Interviews and sets apart full-time missionaries called from the stake, and releases full-time missionaries returning to the stake (see *Stake Mission Handbook*).
7. Performs civil marriages where legally authorized by local government authority (see "Civil Marriage," p. 6-4). A stake president may not assign this duty to a counselor.
8. Convenes and presides over stake disciplinary councils (see "The Disciplinary Council," p. 10-5). A stake president may not assign this duty to a counselor.
9. Ensures that proper stake records are kept; reviews and signs stake reports (see section 8, "Records and Reports").
10. Manages the stake budget (see section 9, "Finances").
11. Supervises the management of stake physical facilities (see *Physical Facilities Guide for Priesthood Leaders*).
12. Designates and trains a public communications spokesman for the Church within the stake boundary.

The stake president and his counselors, as assigned, have the following duties:

1. Direct stake calls and releases (see "Chart of Calls," p. 3-4).
2. Plan and conduct stake meetings (see "Stake Meetings," p. 2-1).
3. Call, set apart, preside over, and direct the training of bishoprics, high priests group leaders and assistants, and elders quorum presidencies.
4. Call and set apart the stake mission presidency and stake missionaries, including ward mission leaders (see *Stake Mission Handbook*).
5. Authorize the conferral of the Melchizedek Priesthood and ordination to the offices of elder and high priest (see "Melchizedek Priesthood Ordinations," p. 4-1).
6. Interview members for recommends to enter a temple. The stake president interviews those seeking a Recommend for Living Ordinances and military personnel who are not members of the stake but are located in the stake temporarily.
7. Counsel individual members who seek spiritual guidance.
8. Hold a personal priesthood interview with each bishop and Melchizedek Priesthood quorum president and group leader at least quarterly.
9. Oversee the following programs and activities in the stake:
 - a. Home teaching and member activation (see *Melchizedek Priesthood Leadership Handbook*).
 - b. Family home evening.
 - c. Temple and family history work (see *Temple and Family History Guide for Priesthood Leaders*).
 - d. Missionary work (see *Stake Mission Handbook*).
 - e. Welfare services (see *Welfare Services Resource Handbook* and *Church Employment System Guidebook*).
10. Supervise the stake Melchizedek Priesthood, Aaronic Priesthood, Relief Society, Sunday School, single adults, Young Women, and Primary organizations, and the activities committee.
11. Supervise the following stake programs:
 - a. Teacher development (see *Teacher Development Guide for Priesthood Leaders*).
 - b. Music (see *Church Music Guide for Priesthood Leaders*).
 - c. Military relations (see *Military Relations Guide for Priesthood Leaders*).
 - d. Meetinghouse libraries (see *Meetinghouse Library Guide for Priesthood Leaders*).
 - e. Church magazines and *Church News* (see *Church Magazines Guide for Priesthood Leaders*).
 - f. Public communications (see *Public Communications Guide*).
12. Recommend the creation, division, or changing of boundaries of stakes and wards (see "Creating New Units," p. 1-5).
13. Supervise the audit of stake and ward financial records (see "Audits," p. 9-4).

14. Encourage youth to attend seminary, college students to attend institute, and all members to take advantage of educational opportunities.

High Council

The high council, which consists of twelve high priests, advises the stake presidency and carries out assignments given by the presidency. The stake presidency should call military chaplains who live in the stake to serve as high councilors or alternate high councilors. The high council does not meet unless a member of the stake presidency is present. (District councils are composed of elders or other Melchizedek Priesthood holders.)

The high council has the following duties:

1. Approve members recommended to serve as stake officers, members of bishoprics, ward executive secretaries, ward clerks, and Melchizedek Priesthood quorum presidents and group leaders.
2. Approve members recommended to receive the Melchizedek Priesthood and to be ordained to offices in that priesthood.
3. Serve on stake disciplinary councils as directed by the stake presidency (see "High Council," p. 10-6; and "Procedures When a High Council Participates," p. 10-8).

The stake presidency may assign high councilors to—

1. Serve as stake presidency representatives and advisers to wards and branches and to Melchizedek Priesthood quorums and groups.
2. Serve as members of the stake Melchizedek Priesthood committee or stake Aaronic Priesthood committee.
3. Serve as members of the stake welfare services committee (see *Welfare Services Resource Handbook*).
4. Ordain elders and high priests.
5. Recommend worthy, qualified brethren to serve as Melchizedek Priesthood quorum presidents and group leaders.
6. Encourage and support home teaching and visiting teaching, member activation, family home evenings, temple and family history work, and welfare services.
7. Supervise stake family history records extraction programs.
8. Serve as advisers to stake auxiliaries, programs, and councils. Auxiliaries include the Sunday School, Relief Society, Young Men, Young Women, and Primary. Programs include music, meetinghouse libraries, and public communications. Councils include Young Single Adult and Single Adult councils.
9. Serve as teacher development representative (see *Teacher Development Guide for Priesthood Leaders*).
10. Serve as chairman of the stake activities committee (see *Activities Committee Handbook*).
11. Serve as physical facilities representative (see *Physical Facilities Guide for Priesthood Leaders*).

12. Serve as adviser to the stake employment specialist (see *Church Employment System Guidebook*).
13. Submit budget requests and reports to the stake presidency for assigned organizations and programs.

Alternate High Councilors

Stake presidents may call alternate high councilors when the stake consists of more than twelve wards and branches and a high councilor needs to be assigned to each one.

Stake Executive Secretary

The stake executive secretary, who should hold the Melchizedek Priesthood, is an executive assistant to the stake president. The stake executive secretary has the following duties, which he performs under the direction of the stake president:

1. Meet with the stake presidency when invited. He may prepare agendas and keep reference notes on matters discussed, decisions reached, and actions to be taken.
2. Review and report to the president on matters considered by the stake priesthood executive committee. He attends meetings of the committee but is not a member and does not vote. He attends to the details of preparing for the meeting.
3. Schedule appointments for the stake president.
4. Review the status of home teaching in the stake with the stake president.
5. Advise the stake president of members who are in or are entering military service.
6. Advise Church magazines and *Church News* representatives.
7. Distribute copies of the *Bulletin* and other Church publications and correspondence promptly.
8. Train ward executive secretaries as instructed by the stake president or as requested by bishops.

Stake Clerk and Assistant Stake Clerks

The stake clerk should hold the Melchizedek Priesthood. As directed by the stake president, the stake clerk may—

1. Coordinate the record-keeping of assistant stake clerks.
2. Coordinate the training of stake and ward clerks as requested by the stake president or bishops. He helps stake priesthood and auxiliary leaders train secretaries when asked.
3. Record minutes of stake meetings, including stake presidency, priesthood executive committee, stake council, and welfare services committee meetings; and record brief summaries of stake disciplinary councils.
4. Complete stake activity and financial reports and the stake annual history.

The stake presidency may call an assistant stake clerk for each part of the record keeping. Assistant stake clerks should hold the Melchizedek Priest-

hood. As assigned by the stake president, an assistant stake clerk may—

1. Help the stake clerk by keeping stake records and preparing stake reports (see section 8, "Records and Reports"; and section 9, "Finances").
2. Serve as the stake purchasing agent.
3. Perform record-keeping duties for stake building fund accounts. He works closely with the stake physical facilities representative in disbursing funds and monitoring construction and maintenance expenses.
4. Serve as secretary to the Melchizedek Priesthood committee, Aaronic Priesthood committee, and other stake committees.

The stake clerk and assistant stake clerks review ward records and reports when wards submit them to the stake. The monthly review of financial reports does not replace the semiannual financial audit by stake auditors.

The record-keeping instructions referred to in section 8, "Records and Reports," contain information on the duties of clerks. Detailed instructions on keeping records and preparing reports appear on the various forms and reports.

WARD ADMINISTRATION

Bishopric

The bishop is the presiding high priest in the ward and, with his counselors, supervises all affairs of the ward. The bishop and his two counselors are the bishopric.

The bishop is president of the Aaronic Priesthood in the ward and president of the priests quorum. The bishopric makes sure all worthy young men receive the Aaronic Priesthood and are ordained to the offices of deacon, teacher, and priest at the proper time (see "Ordaining Deacons, Teachers, and Priests," p. 4-1).

If a bishop is absent, ill, or otherwise unable to perform his duties, the first counselor may act for him except as noted otherwise in the bishop's list of duties. The counselor is to consult the stake president if he has any question about acting for the bishop.

The bishop and his counselors, as assigned, have the following duties:

1. Preside over the priests quorum. A bishop may not assign this duty to a counselor.
2. Transact ward business with the stake presidency and receive counsel and instruction from presiding authorities.
3. Recommend counselors in the bishopric (see "Chart of Calls," p. 3-7). A bishop may not assign this duty to a counselor.
4. Interview Melchizedek Priesthood quorum presidents and group leaders as necessary, but at least quarterly.

5. Call and release ward members as shown on the "Chart of Calls" in section 3 (pp. 3-7-3-8).
6. Plan, conduct, and attend meetings according to instructions in section 2, "Meetings."
7. Call and train Aaronic Priesthood quorum advisers.
8. Direct Aaronic Priesthood ordinations.
9. Call Aaronic Priesthood quorum officers and set them apart.
10. Interview youth of the ward who are twelve through eighteen at least annually.
11. Attend Aaronic Priesthood quorum meetings regularly.
12. Preside at bishopric youth committee meetings.
13. Encourage youth to attend seminary, college students to attend institute, and all members to take advantage of educational opportunities.
14. Recommend brethren to the stake president to receive the Melchizedek Priesthood and to be ordained to offices in that priesthood (see "Melchizedek Priesthood Ordinations," p. 4-1; "Chart of Ordinations," p. 4-4; and the *Melchizedek Priesthood Leadership Handbook*).
15. Interview and recommend worthy young men, women, and couples to serve as full-time missionaries. A bishop may not assign this duty to a counselor.
16. Visit new converts and call them to Church positions shortly after their baptism. Prepare worthy male converts of proper age to be ordained to the priesthood.
17. Direct, through the ward priesthood executive committee:
 - a. Home teaching and member activation (see *Melchizedek Priesthood Leadership Handbook*).
 - b. Temple and family history work (see *Temple and Family History Guide for Priesthood Leaders*).
 - c. Missionary work (see *Stake Mission Handbook* and *Melchizedek Priesthood Leadership Handbook*).
 - d. Welfare services (see *Welfare Services Resource Handbook*).
18. Supervise the ward Relief Society, Sunday School, single adults, Young Women, and Primary organizations, and the ward activities committee.
19. Supervise the following ward programs:
 - a. Teacher development (see *Teacher Development Guide for Priesthood Leaders*).
 - b. Music (see *Church Music Guide for Priesthood Leaders*).
 - c. Military relations (see *Military Relations Guide for Priesthood Leaders*).
 - d. Meetinghouse library (see *Meetinghouse Library Guide for Priesthood Leaders*).
 - e. Church magazines and Church News subscriptions (see *Church Magazines Guide for Priesthood Leaders*).
 - f. Public communications (see *Public Communications Guide*).
20. Interview members and issue recommendations for baptisms, patriarchal blessings, temple ordinances, and performing ordinances outside the ward (see section 5, "Ordinances and Blessings").
21. Counsel individual members who seek spiritual guidance or are involved in moral or other serious transgressions. A bishop may not assign this duty to a counselor.
22. Provide assistance to the needy (see *Welfare Services Resource Handbook*).
23. Convene and preside over ward disciplinary councils (see "The Disciplinary Council," p. 10-5). A bishop may not assign this duty to a counselor.
24. Receive, remit, and account for tithes and donations.
25. Conduct annual tithing settlement. A bishop may not assign this duty to a counselor.
26. Ensure that proper records are kept, and review and sign ward reports (see section 8, "Records and Reports").
27. Manage the ward budget (see "Budgets," p. 9-2).
28. Serve as agent bishop when assigned by the stake president (see *Physical Facilities Guide for Priesthood Leaders*).
29. Encourage, by example and precept, each family to hold a regular family home evening.
30. Perform civil marriages where legally authorized by local government authority (see "Civil Marriage," p. 6-4). A bishop may not assign this duty to a counselor.
31. Conduct funeral and burial services for ward members and for others upon request (see "Funerals," p. 2-6).

Ward Executive Secretary

The ward executive secretary, who should hold the Melchizedek Priesthood, is an executive assistant to the bishop. He may be assigned the following duties:

1. Meet with the bishopric when invited and prepare meeting agendas after consulting with the bishopric and other priesthood leaders. He keeps notes on matters discussed, decisions made, and actions to be taken.
2. Advise and assist the bishop, especially on matters considered by the ward priesthood executive committee. He attends the meetings of this committee but is not a member and does not vote.
3. Schedule appointments for the bishop.
4. Advise the bishop on the status of home teaching (see *Melchizedek Priesthood Leadership Handbook*).
5. Advise the bishop on the status of teacher development (see *Teacher Development Guide for Priesthood Leaders*).
6. Assist a counselor in the bishopric in bringing educational opportunities to the attention of the ward priesthood executive committee.

7. Direct the ward magazine and *Church News* representative.

Ward Clerk and Assistant Ward Clerks

Ward clerks should hold the Melchizedek Priesthood. They have the following duties:

1. Coordinate the record keeping of assistant clerks.
2. Coordinate the training of assistant clerks and, upon request, help priesthood and auxiliary leaders train secretaries to keep proper records.
3. Record minutes of ward meetings as directed by the bishop, including bishopric, priesthood executive committee, ward council, and welfare services committee meetings; and record brief summaries of ward disciplinary councils.
4. Complete activity, financial, historical, membership, and ordinance and action records and reports.
5. Obtain information from priesthood quorum and group leaders on members leaving the ward, especially those leaving to go to school and those entering military service, and transfer membership records.
6. Remind the bishop to give a Member Identification form to members who leave the ward temporarily.

An assistant ward clerk may be called for each area of record keeping. Assistant ward clerks may be chosen from the Aaronic Priesthood if necessary.

The instructions referred to in section 8, "Records and Reports," contain information on the duties of clerks. Detailed instructions on preparing records and reports appear on the various forms and reports.

MISSION AND DISTRICT ADMINISTRATION

See the *Mission President's Handbook*.

CREATING NEW UNITS

New units are created only when the need is clear and persuasive (see the chart at the end of this section, entitled "Recommendation and Approval of Church Units").

Stakes

Stakes are created from mission districts or by division of existing stakes. A stake generally must have at least 3,000 members (2,500 in a less-developed area), a minimum of five wards, and at least 250 active Melchizedek Priesthood holders (150 in a less-developed area).

Detailed criteria and instructions for creating or dividing a stake are listed on the Stake/District Organization Application form, which may be obtained from distribution centers. A stake president proposing the division of a stake should complete this form and present it, together with a letter of explanation, to his Regional Representative for re-

view and endorsement before forwarding it to his Area Presidency.

A mission president proposing the creation of a stake from a mission district should complete this form and present it to his Area Presidency, together with a letter of explanation.

Wards

Wards are created from stake or mission branches or by division of existing wards. A ward generally must have at least 300 members (250 in a less-developed area) and thirty active Melchizedek Priesthood holders (twenty-five in a less-developed area).

Detailed criteria and instructions for creating or dividing wards are listed on the Ward/Branch Organization Application (Stakes) form. A stake president proposing the creation of a ward should complete this form and forward it, together with a letter of recommendation, to his Area Presidency.

If new wards are being created, the stake president should also complete the form New Bishop/Branch President Recommendation—Confidential, obtained from the office of the First Presidency, for each bishop being recommended and submit it with his proposal.

Branches

Criteria and instructions for creating a branch in a stake are listed on the Ward/Branch Organization Application (Stakes) form. The stake president should use the same procedures for proposing the creation of a branch as for a ward. This form should be used also to propose the transfer of a branch from a mission to a stake. The mission president and stake president should both endorse the transfer and then forward it to the Area Presidency.

Proposals to create mission branches are made by mission presidents using the Branch Organization Application (Missions) form. Additional instructions are on the form.

Unit Modification

Stake and mission presidents should use the same forms and procedures to change boundaries or discontinue units as were used to create them.

If stake presidents propose to transfer a ward or branch from one stake to another, all stake presidents who are affected should agree to the transfer before submitting it for approval.

Approval Process

The Area Presidency approves or disapproves proposals to create or modify branches in missions. They review all other proposals to ensure that instructions and guidelines have been complied with. Then, if the Area Presidency is in agreement, they endorse and forward the proposals to the Office of the First Presidency for disposition.

NAMING POLICY**Wards and Branches**

The purpose of a ward name is to uniquely identify the ward within the wider community so that members and nonmembers can recognize and locate it in the local area.

Local leaders should select the name of each ward or branch carefully to avoid subsequent change even if the stake or ward is divided. A ward or branch may be named after a city, subdivision, neighborhood, street, or physical feature. Compass directions may be used in a ward or branch name only where they are part of the name of the city or area where the unit is located. Numbers may be used only if they are preceded by the name of the city, subdivision, neighborhood, street, physical feature, or historical event used to identify the ward. For example, a ward may be designated Provo Third Ward or North Ogden Eighth Ward, but should not be designated merely Third Ward or North Ward.

Local leaders should impose a limit (twelve to twenty) on the number of wards that have the name of the city and a number when large numbers fail to communicate the location of such wards to persons (including nonmembers) in the wider community.

Wards in non-English-speaking areas are to be named in the language of the area, using Roman alphabet characters.

Stakes and Districts

The purpose of a stake name is to uniquely identify the stake from other stakes in the Church. A stake normally is named after the city, state, department, or province in which it is located.

The first word of the stake or district name is to be the name of the city in which the stake center of the stake or headquarters of the district is or will be located; for example, *Mesa*.

In the United States and Canada, the second word is to be the state or province in which the stake or district is located; for example, *Mesa Arizona*. In all other countries, the name of the city is followed by the name of the country; for example, *Apia Samoa* Stake or *Melbourne Australia* Stake. (Stakes in Salt Lake City and student stakes at Brigham Young University and other campuses are exceptions.)

When more than one stake is in the same community, the third word in the stake name is an identifying characteristic other than a number; for example, *Mesa Arizona Lehi*.

The last word in the name is *stake* or *district*; for example, *Mesa Arizona Lehi Stake*.

Terms that divide points on the compass beyond north, east, south, and west, and historical names or names of people are not to be used in naming stakes.

When new stakes or wards are created, local leaders should leave the name of the parent stake or ward unchanged, and should give a new name to the new unit.

SINGLE MEMBERS

Single adult members should enjoy a full range of Church experience. The best place for them to enjoy such experience usually is in conventional, geographic, family-centered wards. Local leaders should keep this fact in mind as they consider programs for single adult members.

Young Single Adults in Conventional Wards and Stakes

Stakes may hold a stake gospel doctrine class for young single adults as a part of the regular Sunday meeting schedule. This class should not conflict with any of the home ward sacrament meetings of its members. This only applies to stakes that do not have a young single adult (eighteen through thirty) ward or branch. In addition, regular firesides and other activities, under the direction of the stake committee for young single adults, should be a part of the regular Church program for young single adults.

Young Single Adult Wards and Branches

Stake presidencies and bishoprics may recommend the creation of young single adult wards when numbers and circumstances warrant them. Where young single adult wards are created, eighteen-year-old young single adults who live at home should remain in their conventional wards.

Generally, young single adults nineteen through twenty years of age should remain in their conventional wards. However, with the approval of parents, bishops, and the stake president, young single adults nineteen through twenty may attend a young single adult ward or branch in their stake (described in the following paragraph) when such attendance is in their best interest.

Stake presidents may recommend wards for young single adults twenty-one through thirty years of age and create such wards upon approval when (1) an adequate number (approximately 125) of young single adult members reside in the stake and want to attend a young single adult ward, and (2) other circumstances warrant the creation of a young single adult ward. Similarly, stake presidents may recommend branches for young single adults twenty-one through thirty years of age and create such branches upon approval when at least fifty young single adult members reside in the stake and want to attend a young single adult branch. When such wards and branches are created, however, leaders should not make young single adults feel that they must join them if they prefer to remain in their conventional wards, as many do.

Single Adults

In general, single adults thirty-one years of age and older are to be in conventional wards and stakes. In exceptional cases, however, where concentrated and large numbers (150) of single adults thirty-one and older reside, stake presidents may recommend single adult wards and create such wards upon approval. When a single adult ward is created, however, leaders should not make single adults feel that they must join the single adult ward.

For single adults thirty-one years of age and older, Area Presidencies and Regional Representatives, in consultation with stake presidents, may call regional or multiregional task committees to plan, coordinate, and carry out regional and multiregional activities. Such activities may include service and social activities, where such activities are advisable and practical and are supervised wisely.

MILITARY UNITS

Where possible, members in military service participate in the wards or branches located at or near

their military duty stations. Where that is not feasible, the stake or mission president should organize a Latter-day Saint group where military personnel and their families may meet, partake of the sacrament, study the gospel, and bear testimonies. Such a group is supervised by the stake or mission in which the group is located. Stake or mission representatives should attend and participate in the group meetings when they can. Groups are not branches; therefore, they do not have a unit number.

Before a group is organized, group representatives are to consult with the installation chaplain, or, if a chaplain is not assigned to the installation, the commanding officer.

The president of the stake or mission in which the group is located is to appoint a Melchizedek Priesthood bearer from the group as group leader and set apart the group leader and his counselors. The stake or mission president is to give each group leader a Certificate of Appointment (available from the Salt Lake Distribution Center) so he will be certified to military personnel.

Members in military service are to pay tithing and fast offerings in the ward where their membership records are located or in the stake or mission to which the group reports. Group leaders may not receive tithing or fast offerings but may receive donations for socials and to build and maintain meetinghouses.

Recommendation and Approval of Church Units

UNIT	RECOMMENDING AND APPROVING AUTHORITIES							
	Stake President	Mission President	Regional Representative	Area Presidency	Other Approvals	Boundary and Leadership Change Committee	Quorum of the Twelve	The First Presidency
New area				Recommends	Committee of the Quorum of the Twelve	Reviews and endorses	Reviews and endorses	Approves
New region				Recommends	First contact of the Quorum of the Twelve	Approves		
New mission		Recommends		Reviews and endorses	Missionary Department, Missionary Executive Council, and other appropriate executive councils	Reviews and endorses	Reviews and endorses	Approves
New district		Recommends		Reviews and endorses		Approves		
New ward	Recommends			Reviews and endorses		Approves		
New mission branch*		Recommends		Approves*		Approves		
New stake branch	Recommends			Reviews and endorses		Approves		
Change mission boundaries		Recommends		Reviews and endorses	Missionary Department and Missionary Executive Council	Approves		
Stake from a mission district		Recommends		Reviews and endorses	First contact of the Quorum of the Twelve	Reviews and endorses	Reviews and endorses	Approves
Divide existing stake	Recommends		Reviews and endorses	Reviews and endorses	First contact of the Quorum of the Twelve	Reviews and endorses	Reviews and endorses	Approves
Change stake boundaries	Recommends		Reviews and endorses	Reviews and endorses		Approves		
Change district boundaries		Recommends		Recommends		Approves		

* If a name change is requested or if the proposed branch is (1) for handicapped members or an ethnic group or (2) causes boundary changes to an existing ward, the recommendation should be submitted to the Boundary and Leadership Change Committee for approval; otherwise, the Area Presidency approves.

they travel home.

Recommends to Enter a Temple

Mission presidents should issue recommends to worthy full-time missionaries at the time they are released. Such recommends require only the interview of the mission president and the signatures of the president and the missionary.

Interviews and Reports

The stake president interviews returned missionaries and discusses their mission experiences and their conduct while traveling home. He releases them formally from missionary service and gives them the release certificate he has received from the mission president. Missionaries should report their mission to the stake presidency and high council before they are assigned to speak in ward sacrament meetings.

Bishops and stake presidents should counsel returning missionaries to continue to live worthy of a temple marriage. However, they should not suggest or imply that the returned missionary should be married within a specified time.

Bishops and other priesthood leaders should call recently returned missionaries promptly to Church positions of service.

Tuberculosis Testing

Missionaries who serve in areas of the world that have a high risk of tuberculosis should be tested when they return home. When a returning missionary is to be tested for tuberculosis, his mission president will send a Missionary Tuberculosis Screening Report to the missionary's stake president. The stake president will advise the missionary to be tested and to give him the test results. The stake president will submit the results to the Missionary Department within fifteen days of the missionary's return.

STAKE MISSIONARY WORK

Stake Mission Presidency

The stake presidency calls and sets apart three missionary-minded Melchizedek Priesthood holders to serve as the stake mission presidency. The stake presidency may call and set apart a secretary to assist them.

Stake Missionaries

The stake presidency should call at least a ward mission leader and one other stake missionary in each ward. More stake missionaries should be called in wards with a large number of nonmembers, an adequate number of members, and a pressing need for finding and fellowshiping.

sionaries. They must meet the same standards of personal worthiness as full-time missionaries. They do not need to be sustained, but their calls should be announced in a sacrament meeting. Their bishopric may invite them to speak in their ward sacrament meeting near the beginning and the end of their service.

Stake missionaries report to the stake mission presidency. They may serve in their own wards or in other wards in the stake. They are called to serve for a specified length of time (normally twenty-four months) and are to give a minimum number of hours each week (normally ten hours). They should devote much of this time to finding investigators and helping other members bring nonmembers into their homes to be taught the discussions.

Stake missionaries should have no Church calling other than that of stake missionary except to be home teachers or visiting teachers.

Ward Mission Leader

The bishopric recommends to the stake presidency a Melchizedek Priesthood holder to serve as the ward mission leader. He serves as a member of the ward priesthood executive committee and the ward council, in which he correlates missionary activities with the bishopric and other ward leaders. He reports to the stake mission presidency and, under its direction, supervises stake missionaries assigned to work in the ward. He coordinates missionary work in the ward with the full-time missionaries.

Stake Mission

The stake mission is to (1) find and prepare nonmembers to be taught the gospel and (2) fellowship new members.

The primary responsibility for teaching the missionary discussions to nonmembers rests with the full-time missionaries. Stake missionaries may assist as needed by serving in a teaching team with the full-time missionaries. The full-time mission president directs the teaching and baptizing of investigators. He provides training in how to teach the discussions. Also, he is available to stakes, as time permits, to help train members in other aspects of missionary work.

The full-time missionary district leader (or zone leader if the district leader did the teaching) interviews investigators who have been taught all of the missionary discussions and have met the other requirements for baptism. These investigators should have met the bishop, although he does not interview them for baptism.

In fellowshiping new members, stake missionaries work under the direction of the bishopric and in cooperation with quorum leaders. Using the Convert Baptism Checklist, the stake missionaries help new members become assimilated into the Church and help them grow spiritually as they learn and apply the gospel in their lives.

new members are fellowshipped into the Church.

The full-time missionaries assist the stake missionaries by joining them as they meet two or three times in transition meetings with the new members. During these transition meetings, the stake missionaries teach all of the lessons in *Discussions for New Members*.

Home teachers should cooperate with stake and full-time missionaries in fellowshipping new members. Home teachers may be present when the stake missionaries teach the *Discussions for New Members*, or they may assist the stake missionaries with the teaching.

9. Finances

Tithing Settlement

RESPONSIBILITY FOR FINANCES

The stake president is responsible for stake finances, and the bishop is responsible for ward finances. Clerks do the record-keeping *but the accountability remains with the stake or ward leader.*

This section of the handbook includes only general policies and procedures for handling stake and ward funds and keeping financial records. Specific instructions are included with forms and other record-keeping instructions.

Current and accurate financial records can help stake presidents and bishops account for and protect the sacred funds of the Church. They can use these records for such purposes as preparing budgets and providing information to members on their financial contributions.

TITHING

Definition of Tithing

The First Presidency has written: "The simplest statement we know of is the statement of the Lord himself, namely, that the members of the Church should pay 'one-tenth of all their interest annually,' which is understood to mean income. No one is justified in making any other statement than this" (First Presidency letter, 19 Mar. 1970; see also D&C 119).

Who Should Pay Tithing

All Church members who have income should pay tithing, with the following exceptions:

1. Members entirely dependent upon Church welfare assistance.
2. Full-time missionaries. (However, missionaries should pay tithing on personal income beyond the amounts they receive for their support.)

Local leaders should refer to tithing settlement instructions on recording a member's tithing status on the annual tithing and donations report.

When Tithing Is Paid

Local leaders should encourage members to pay tithing as they receive their income. However, those who wish to pay annually may do so.

Use of Tithing Funds

Bishops may not use tithing funds for any purpose. All tithing funds must be sent to Church headquarters or to the area office (see D&C 120).

Bishops should hold tithing settlement near the end of each year. Only bishops may hold tithing settlement.

All members should attend tithing settlement to make sure their donation records are correct and to declare to the bishop their status as tithe payers. All members of a family should attend tithing settlement. It provides an opportunity for the bishop to discuss with families the principle of tithing, encourage a generous fast offering, and discuss other financial and spiritual matters.

Specific instructions for holding tithing settlement are included with forms and other financial records instructions.

FAST OFFERINGS

Fast offerings should be, as a minimum, the equivalent value of two meals not eaten during the fast. Members should give more if they can.

Bishops may use fast-offering funds to assist needy members while they work to become self-reliant. Bishops may use fast offerings to provide food, clothing, shelter, medical assistance, or other life-sustaining aid for the needy.

Whenever possible, bishops should provide commodities and services rather than cash. They should not *lend* fast-offering funds to members. If a member is assisted and later can repay such assistance, he should do so by giving a generous fast offering.

Members should donate fast offerings freely, without designating how these funds are to be used. Bishops may not enter into arrangements or make commitments to turn a member's fast-offering donation over to an individual or family, or use it for a special purpose designated by the donor.

Additional instructions on receiving, using, and recording fast offerings are included in the welfare handbook and in financial records instructions.

MISSIONARY FUNDS

Ward Missionary Funds

Each bishop is to make sure that missionaries called from his ward receive the funds they need and receive them at the time they are needed.

Funds contributed for missionary work are to be receipted the same as other donations and credited to the ward missionary fund.

Amounts sent to each missionary should not exceed the amounts estimated by the Missionary Department for the mission (or as modified in writing by the mission president). The bishop should send funds directly to the missionary or his bank account. He does not return them to the donor for mailing to the missionary.

Financial clerks in wards that send funds to missionaries should keep a file that includes (1) documents showing how the monthly amount sent to each missionary was determined, (2) a record of each amount sent, and (3) the addresses to which the funds were sent. The file is to be kept for five years after the missionary is released.

Soliciting Funds

Church leaders are not to solicit funds for any purpose, including the support of missionaries, outside the boundaries of their own Church units. Full-time missionaries or their families must not be asked to subsidize or otherwise provide financial support for other missionaries or for Church members living in the area where the missionaries are serving.

General Missionary Fund

Missionaries may receive supplemental assistance from the General Missionary Fund if they need such assistance. Church members who are able to do so should be encouraged to contribute generously to the General Missionary Fund.

Stake presidents and bishops should send missionary funds and other funds that exceed reasonable stake and ward needs to the General Missionary Fund at Church headquarters. Bishops or individuals may contact Church headquarters for further information about contributions to the General Missionary Fund.

BUDGETS

Stake and Ward Budgets

Every stake and ward should prepare and operate on a budget. Stake presidencies and bishoprics should use wise and prudent budgeting principles to be sure that the cost of Church membership is not burdensome to members.

Stake presidencies and bishoprics should begin preparing budgets well before the beginning of each calendar year by taking the following suggested steps:

1. Review amounts spent during the previous year to be sure recurring expenses are considered.
2. Ask organizations to estimate their budget needs in detail.
3. Compile the budget. They should make sure projected expenses do not exceed anticipated income.
4. Present and discuss the proposed ward budget with members in a special meeting called for that purpose.
5. Call for a sustaining vote. The vote is to accept and support the budget, not to sustain stake and ward leaders.
6. Prepare the final ward budget, which need not be presented again to ward members.
7. Monitor expenses throughout the year to avoid exceeding the budget.

Voluntary Contributions

The bishop may suggest contribution amounts for ward members based on their ability to pay. He should invite members to voluntarily accept their responsibility to support Church programs. However, he should not ask them to (1) pay a specified percentage of their income into the budget or building funds, (2) give postdated checks, or (3) borrow money to pay their voluntarily assumed obligations.

Bishops may invite nonmembers who participate in ward programs and activities to contribute to the budget.

SPECIAL ACTIVITIES AND PROJECTS

Ordinarily, stake and ward leaders should use budgeted funds to finance stake and ward activities. However, they sometimes may finance special activities, such as dinners, dances, and regional or area festivals or sports tournaments, by suggested donations. Donations may be received in advance or at the door.

Proposed financing for special projects (projects not included in the budget) requires the approval of the adult members of the stake or ward before leaders may solicit or commit any funds.

CONFIDENTIALITY OF TITHING AND DONATIONS

The amount of tithing or donations paid by a member is *confidential*. Only the bishop and those authorized to handle tithing and donations should know the amount. Stake presidents and bishops are not to announce the total amount of tithing received.

On a need-to-know basis, bishops may tell quorum presidents or group leaders whether individual members of their quorums or groups are full-tithe payers, contributors to the tithing funds, or exempt. Priesthood leaders should keep such information confidential.

HANDLING FUNDS

Receiving Tithes and Donations

The Lord placed with bishops the responsibility to receive and account for the tithes and offerings of the Saints. It is a sacred trust (see D&C 119 and 42:30–33).

Only the bishop and his counselors may receive tithes and donations. Under no circumstances should their wives, other members of their families, or other ward members receive tithes and donations.

Church members should not place their tithes and donations in a donations box.

Aaronic Priesthood holders are *not* to receive tithes and other donations while collecting fast offerings.

Members are to make checks payable to the ward, not to the bishop or the Church.

Verifying Tithing and Donations

Two persons, the bishop or one of his counselors and the clerk, are to open the donations envelopes together to verify that the funds enclosed are the same as the amount written on the donations slips. They are to resolve with the donors any differences between the enclosed funds and the amounts listed on the donations slips as soon as contact can be made.

Bishops should see that tithing funds are sent to Church headquarters or the area office as soon as possible after they are received. Additional instructions are included with forms and other financial records instructions.

Safeguarding Church Funds

Stakes, wards, priesthood quorums and groups, and Scouting organizations are to safeguard funds as specified in the following procedures.

Bishops are to deposit all funds in a bank checking account according to financial records instructions.

The ward is to have only one checking account. All funds should be handled through that checking account. Auxiliary organizations may not have checking accounts or petty cash funds. However, Melchizedek Priesthood quorum funds (see the *Melchizedek Priesthood Leadership Handbook*) and Scouting funds (see "Scouting Funds," on this page) should be maintained in checking accounts that are separate from ward accounts. These funds should not be mixed with ward funds.

Stake presidents and bishops must be certain that Church funds are not deposited to the account of an individual or mixed with personal funds.

Donations envelopes should be opened and the bank deposit should be prepared on Sunday. The bishop or one of his counselors should deposit the funds in the bank the same day, if possible, but never later than the following day. They should use a night depository on Sunday if one is available. Another person should accompany the member of the bishopric who deposits funds. A clerk should not deposit Church funds.

Those responsible for Church funds must never leave them in the meetinghouse overnight and never leave them unattended any time, such as during meetings and activities.

The bishop should have the bank mail the bank statement directly to his home, not to the meetinghouse or the clerk's home. The bishop should open each bank statement promptly, review it, then give it to the clerk to be reconciled. The bishop should review and sign the reconciliation.

Checks require two authorized signatures. Usually, the bishop, his counselors, and a clerk are authorized to sign checks. The counselors and clerk should not sign a check unless the bishop has ap-

proved the expenditure. A check never should be signed until it is filled out completely.

Checkbooks and blank checks must never be left unattended. They should be stored in a locked file or cabinet. Blank checks should be reviewed periodically to see whether any are missing. The numbers of missing blank checks should be reported immediately to Church headquarters or the area office, and the bank asked to stop payment on missing checks.

Receipting Tithing and Donations

All tithing and donations should be receipted according to financial records instructions. Receipts should be issued as soon as possible for cash received and for all noncash tithing and donations received.

Local Unit Savings Accounts and Time Deposits

A Church savings program for Church units is available at Church headquarters and area offices for stake, district, ward, and branch funds only. It provides both regular savings and time deposit accounts. Regular savings accounts permit the withdrawal of funds on demand.

To get current rates and additional information on Church savings, local leaders may contact Church headquarters or the area office.

In-Kind Donations, Including Tithing

As a general practice, the Church discourages paying tithing in kind, but encourages the donor to dispose of the property and then pay tithing in cash. However, tithing in kind may be accepted in certain cases, and the payment of tithing in kind may be a common practice in some areas of the world.

The Church accepts (1) stocks, bonds, or other securities that are marketable immediately and (2) some marketable real estate. Before accepting them, local leaders should call Church headquarters or the area office.

If members want to donate any other items, the bishop should clear acceptance of the donation with the stake president. The stake president should contact Church headquarters or the area office for approval before the items are accepted.

Receipts to donors of tithing in kind are issued only by Church headquarters or the area office; they show no monetary value for the items contributed.

LDS Foundation

The LDS Foundation has been established to encourage, facilitate, and accept voluntary philanthropic contributions to the Church and its related organizations and activities.

Scouting Funds

Bishops should keep funds collected and used to support Church-sponsored Scouting organizations separate from ward funds. They should account for

these funds on the financial forms provided by the Boy Scouts and should make sure the receipt and expenditure of these funds are monitored.

AUDITS

Stake auditors audit stake and ward financial records to make sure tithing and contributions are recorded properly, Church funds are protected, and records are complete and accurate. They audit the records twice a year and at the end of a month when (1) a boundary is changed because of the creation, division, or discontinuation of a ward; or (2) a bishop or financial clerk is changed.

Stake auditors audit only financial records and reports. The stake clerk and assistant stake clerks review all other records and reports prepared by stake and ward clerks.

If auditors find indications that Church funds have been misused, the stake president or stake auditor immediately notifies either the Church Auditing Department at Church headquarters or the area financial controller at the area office. The Church Auditing Department assists local leaders and makes sure they conduct an appropriate review of any possible misuse of Church funds. If major irregularities are discovered, the stake president should notify the Area Presidency.

Detailed information on audit committees, auditors, and audit procedures are listed with the stake, ward, and priesthood audit report forms and instructions. Stake audit committees and auditors may direct auditing questions to the Church Auditing Department at Church headquarters or to the area office.

Stake Audit Committee

Each stake should have an audit committee consisting of a stake presidency counselor as chairman and two other members who understand financial matters. The members of the committee normally should not sign checks or otherwise be involved in stake financial record keeping.

The audit committee reviews all completed audit reports and makes sure any differences from accepted procedures are corrected.

The committee sends a copy of each completed and approved audit report to the Church Auditing Department or to the area office by the date shown on the audit report form.

Auditors

The stake presidency should call at least two auditors for stakes with six to ten wards. The stake high council should approve auditors, but they are not sustained or set apart.

Auditors audit the financial records of the stake, wards, branches, Melchizedek Priesthood quorums, welfare projects, and all other projects, as assigned by the stake audit committee.

TAXES

The tax information in this section applies only in the United States and Canada. Priesthood leaders in other countries should contact the Church Tax Division at Church headquarters or the area office to resolve questions on taxes. Priesthood leaders in the United States and Canada should contact the Church Tax Division if they need additional information.

The Church generally is exempt from paying taxes because it is a religious organization. The way Church facilities are used and the way the Church conducts its activities determine whether the Church is exempt from sales, property, income, or other taxes. Misuse of the tax exemption of the Church by just one ward may affect other wards and stakes. To preserve the exempt status of the Church, stakes and wards *must not*—

1. Use meetinghouses or other Church property for purposes other than religious purposes, including worship, religious training, and other Church-related activities.
2. Sponsor fund-raising projects that subject the Church to property tax, sales tax, and use tax.

Meetinghouses

Meetinghouses may not be—

1. Rented or leased for commercial purposes.
2. Used to promote business ventures or investment enterprises, including posting commercial advertising or sponsoring commercial entertainment in meetinghouses.
3. Used for commercial activities, including selling products and services and demonstrating wares in Church classes. Exceptions are the purchase and resale of scriptures and Church manuals, family history supplies, and sacred religious clothing.
4. Used by lecturers or instructors who are *paid a fee* to give instructions, seminars, lessons, and aerobics classes, for example. Exceptions are (a) organ and piano instruction and recitals involving only members of the units that use the meetinghouse, and only when there is no reasonable alternative; and (b) Church Educational System programs.
5. Used for fund-raising projects that are taxable.

Fund-raising Projects

Examples of taxable fund-raising projects that should *not* be sponsored include—

1. Projects completed with paid labor, either by employees or by contract.
2. Entertainment for which the stake or ward pays the orchestra, entertainers, or others for their services; when admission is charged; and when *the intent of the activity is to raise funds*.
3. Selling commercial goods or services, including food storage items.
4. Games of chance (such as raffles and bingo).

Examples of permissible fund-raising projects include—

1. Ward dinners with donated food and the sale of donated items.
2. Activities carried on entirely with donated labor, such as taking inventories; doing janitorial, repair, maintenance, or yard work; washing cars; collecting paper; gift wrapping; and serving food at fair booths. Any contact or arrangement for such activities is to be made with the stake or ward and payment is to be made to the stake or ward and not to an individual or family.

Any exceptions to the instructions against taxable fund-raising projects must be approved by the Tax Division at Church headquarters and reported annually on the Summary of Tax Reportable Fund-Raising Activity form.

Nontaxable fund-raising projects generally are discouraged and should be limited. The primary source of funds for ward and stake programs should be member donations.

Stakes and wards that sponsor fund-raising activities should not advertise or solicit beyond their boundaries. They may charge admission to social activities, which may include dinners, entertainment, and parties (such as New Year's Eve parties), only to cover costs and pay performers.

Sales Tax

Sales and use tax laws and how they apply to the tax-exempt purposes of the Church vary from state to state. Therefore, local leaders should check local tax laws to see whether the Church is exempt or must pay such taxes.

Property Tax

The Church Tax Division files all property tax exemptions and pays all property taxes when appropriate. No action is required by local priesthood leaders.

Internal Revenue Service Form 1099

Stakes and wards in the United States are required to file Form 1099 each year for certain payments for rent and services. The Internal Revenue Service may impose a penalty if the form is not filed.

Procedures for filing the form are sent each year in a letter from the Presiding Bishopric. If local leaders have questions, they should contact the Church Tax Division.

EXHIBIT M



TEMPLES

of The Church of Jesus Christ of Latter-day Saints

HOME

PRINT

FAQ

CONTACT

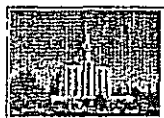
> MENU

Operating - Seattle Washington Temple - Presidents

- Prev Next >

Operating
ScheduleDriving
DirectionsGeographic
RegionAerial
Photograph

Presidents

Dedicatory
PrayerDaylight
WallpaperTwilight
Wallpaper

Seattle Washington Temple

Presidents

Temple presidents are called to oversee all activities performed at the temple. They serve voluntarily, usually for a period of several years. Following is a list of the current and former presidents of the Seattle Washington Temple.

President Denzel N. Wiser	2004-
President Gordon G. Conger	2001-2004
President R. Paul Thompson	1998-2001
President K. Gary Garff	1995-1998
President Brent I. Nash	1992-1995
President Heber J. Badger	1990-1992
President Robert E. Jones	1987-1990
President Royden G. Derrick	1984-1987
President F. Arthur Kay	1980-1984

© 1992-2007, LDSChurchTemples.com. All rights reserved.

[About the Webmaster](#) | [About LDS Church](#)

EXHIBIT N



Tuesday, June 05, 2001, 12:00 a.m. Pacific


Permission to reprint or copy this article or photo, other than personal use, must be obtained from The Seattle Times. Call 206-464-3113 or e-mail resale@seattletimes.com with your request.


Church battle hasn't a prayer of quick end

By Eric Pryne

Seattle Times staff reporter

When Metropolitan King County Council Chairman Pete von Reichbauer told his colleagues yesterday he hoped they could soon settle their long-running conflict over size limits on rural churches and schools, Councilwoman Cynthia Sullivan shook her head slowly from side to side.

 [E-mail this article](#)

 [Print this article](#)

Silently, she mouthed two words: "No way."

A solution to the dispute, which has dominated the council's agenda and attention since February, now seems further away than ever.

Sullivan, D-Seattle, sponsor of a proposal that appeared likely to pass until late last week, said she was leaving the negotiating table for now. "I've exhausted all the options I think are reasonable," she said.

Council members Louise Miller, R-Woodinville, and Larry Phillips, D-Seattle, strong supporters of size limits, said they had compromised as much as they could and were close to joining Sullivan on the sidelines. "I'm at the end of my rope," said Phillips.

Councilwoman Maggi Fimia, D-Shoreline, suddenly thrust into a pivotal role when she backed out of an earlier commitment to Sullivan's plan, continued to work on a proposal of her own, scheduling a meeting this morning. "I think we can get there," she said last night.

But she acknowledged she's most likely to find support among the six council Republicans who until now have fought size limits. And even if Fimia does manage to get seven votes on the 13-member council, the measure still must be signed by County Executive Ron Sims - who proposed size limits in the first place more than a year ago.

Stephanie Warden, director of Sims' Office of Regional Policy and Planning, said she doubted Fimia

and the Republicans could draft legislation Sims would sign.

The dispute has pitted growth-management activists, who fear large institutional buildings will bring sprawl and pollution to rural King County, against many schools and churches, who say the proposed limits violate constitutional guarantees of freedom to worship.

Among other things, Sullivan's plan would have limited churches and private schools larger than 40,000 square feet to rural lands abutting the county's urban growth boundaries. Until late last week, it had seven votes - Miller's and those of the council's six Democrats - and Sims' support.

Then Fimia broke ranks. Her defection was the talk of the council yesterday. "She made promises to me," Miller said of Fimia yesterday. "She broke them, basically."

Fimia acknowledged she had committed to support Sullivan's package two weeks ago but said she wasn't familiar with the proposal's details when she made that promise. Among those scheduled to meet with Fimia this morning is John Hemplemann, legal counsel to churches fighting Sullivan's plan. He, too, said he hoped a compromise could be reached.

But Sullivan, who chairs the committee with jurisdiction over the issue, said she was inclined to do nothing until a moratorium on permits for new rural churches and schools, adopted by the council in February, expires in December.

In a campaign orchestrated by church leaders, foes of Sullivan's proposal deluged council members yesterday with phone calls and e-mails. Sullivan said she had received 837 e-mails by 11:30 a.m.

Catholic Archbishop Alexander Brunett ordered a letter on the issue read at all Masses in Western Washington on Sunday. "The restrictions this council is proposing would prevent us from building any new churches and schools in the future," he said in a cover letter to priests.

Gordon Conger, representative of the Northwest Area Presidency of the Church of Jesus Christ of Latter Day Saints, said the issue was discussed Sunday at adult-education classes in Mormon churches throughout the region.

Eric Pryne can be reached at 206-464-2231 or epryne@seattletimes.com.

Copyright © 2006 The Seattle Times Company

Mattson, Yvonne

From: Saved by Windows Internet Explorer 7
Sent: Tuesday, January 16, 2007 8:44 AM
Subject: The Seattle Times: Search Results

ADVERTISING

The Seattle Times Company Jobs | Autos | Homes | Rentals | NWsource | Classifieds



SEARCH

Home delivery

Contact us



Traffic | Weather | Your account

Movies | Restaurants | Today's events

Search Go

Local News: Tuesday, July 10, 2001

→ Marketp

Advanced search

☐ E-mail article ☐ Print view

Jobs | Autos

Homes | Rentals

ADVERTIS

ADVERTIS

nwjobs ju

Updated 8:30 AM

ROOFERS. Edmo
Confidential 2007-1

AUTO PARTS STC
Monroe, WA Conf
2007-01-15

MACHINIST. Seatt
Wright Machining

CASHIER. Snoher
Confidential 2007-1

SERVICE PLUMB
DRAIN CLEANER:
WA Confidential 20

More jobs | Post

Search jobs

NWsource shopp

Home
Local
Nation / World
Business / Tech
Editorials / Opinion
Columnists
Sports
Entertainment
Comics / Games
Living
Pacific Northwest
Magazine
Travel / Outdoors
Real estate
Obituaries
Special reports
Photography
Corrections
Archive
Alerts / E-mails
Marketplace
Jobs
Autos
Homes
Rentals
Classifieds
Shopping
NWsource
Personals
Post an ad

Freeze lifted on churches' size; Sims could veto council's historic legislation
By Caitlin Cleary
Seattle Times staff reporter
After months of partisan wrangling, negotiating and maneuvering, the Metropolitan King County Council yesterday narrowly passed legislation repealing a moratorium on church and school construction in rural areas.
The council also narrowly adopted an ordinance, crafted by a group headed by Councilwoman Maggi Fimia, D-Shoreline, that regulates the construction of churches and schools on rural land and tightens environmental restrictions on larger churches.
Fimia joined Republicans David Irons Jr., Jane Hague, Rob McKenna, Les Thomas, Kent Pullen, and council chairman Pete von Reichbauer to vote yes. Councilwoman Louise Miller, a Republican, voted against the proposal with Democrats Dwight Pelz, Greg Nickels, Larry Gossett, Cynthia Sullivan and Larry Phillips.
Church leaders are hailing it as landmark legislation, saying the proposal applies the latest in ecological science, enacts the strictest and most comprehensive building standards to preserve rural areas and, most importantly, restores the free exercise of religion.
Environmental advocates and those on the council who opposed it say the legislation is dangerous, laying the groundwork for opening up rural areas to urban sprawl and traffic jams, violating the state Growth Management Act and improperly offering government assistance to private and religious institutions.

Either way, the vote brought to a close a lengthy and divisive land-use

[Services](#)[Your account](#)[Contact us](#)[Submit listings](#)[Send us news tips](#)[Seattle Times store](#)[Advertise with us](#)[RSS feeds](#)[Wireless](#)[Newspapers in](#)[Education](#)[Home delivery](#)[e-Edition](#)

battle that split the council.

That is, depending on what happens when it crosses the desk of County Executive Ron Sims.

After yesterday's meeting, Sims spokeswoman Elaine Kraft said Sims had not decided on a veto, as he had promised earlier, but would take advantage of the next 10 days to examine the ordinance.

"His top two priorities right now are upholding the Growth Management Act and protecting the environment," Kraft said.

The ordinance needs Sim's signature to become law. It takes nine votes to override a veto.

Sims had originally proposed a size limit on churches and private schools outside the county's urban-growth boundary, a move that pleased environmentalists but angered many church leaders.

Last month, Sims said he would consider dropping that proposal in exchange for tough environmental restrictions on new schools and churches. Sims later attacked Fimia's proposal, saying it didn't have enough environmental protections in place.

The measure passed yesterday applies stricter environmental standards to schools and churches larger than 25,000 square feet. But Sims has called for extending that to all schools and churches over 12,000 square feet, something Fimia's contingent says is too restrictive and would kill new and expanding small churches that growing congregations need.

Fimia says her plan has plenty of checks and balances to ensure it isn't abused by developers and doesn't lead to sprawl. Fimia's proposal calls for 65 percent retention of the native vegetation, a requirement that schools and churches catch and dispose of 90 percent of their runoff, and limits reviews of sewer extensions.

"We're delighted with the will of the majority of the council," said Gordon Conger, representative of the Northwest Area Presidency of the Church of Jesus Christ of Latter-day Saints, who has been working on issue the past six months.

Right now, Conger said, the Mormon Church must hold extra services at inconvenient times to serve a burgeoning membership.

But opponents of the measure called it "misguided and detrimental."

"What we are concerned about is the impact of forever losing the rural areas of King County," said Sullivan, D-Seattle. "Allowing unchecked growth is irresponsible stewardship and the Fimia measure encourages larger development with fewer environmental standards."

"I anticipate it will be vetoed," Fimia said. "But I hope Sims won't."



Dai
lan
The
bol
mo

Fremont and is no
stylish women's cl
addition to its fash
men's gear.

[More shopping](#)

[Sales & events](#)

[Articles](#)

[Store guides](#)

Tuesday, November 22, 2005 - Page updated at 12:00 AM

[E-mail article](#) [Print view](#)

Church liable in girls' abuse

By Bob Young

Seattle Times staff reporter

In a decision that could reverberate through clergy sexual-abuse cases everywhere, a King County Superior Court jury has awarded \$4.2 million to two sisters who were sexually abused for years by their stepfather, a Mormon priest.

The civil jury found The Church of Jesus Christ of Latter-day Saints, commonly referred to as the Mormon church, liable for intentional misconduct and negligence and ordered the church to pay most of the award. The remainder of the award would be paid by the girls' abuser, Peter N. Taylor, who is no longer their stepfather or a priest.

"The size of the verdict is particularly newsworthy. I think the jury is making a statement," said Timothy Kosnoff, a lawyer for the girls who were abused in their Federal Way home during the 1990s.

Kosnoff said the verdict, handed down late Friday afternoon, was the first sexual-abuse decision against a church in Washington state. He said it could affect settlement values in abuse cases against the Catholic Church here and in other states.

James S. Rogers, a Seattle lawyer who has represented victims of alleged abuse by Catholic priests, agreed. The verdict shows that 12 jurors put a serious value on the damage done by sex abuse, Rogers said.

Settlements in several high-profile abuse cases involving Catholic clergy across the country have averaged less than \$1 million per victim. The Boston Archdiocese reached an \$85 million settlement with 552 victims in 2003. Last year the diocese of Orange, Calif., settled 90 abuser claims for \$100 million. The Archdiocese of Seattle has settled approximately 100 cases, and payment to each victim has averaged about \$100,000, according to Michael Patterson, a lawyer for the archdiocese.

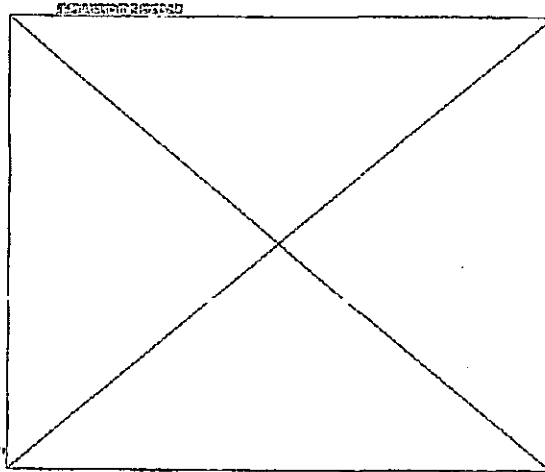
Patterson argued that no sweeping conclusions should be drawn from Friday's verdict because every abuse claim is unique. Tom Frey, a lawyer who represented the Mormon church in the Federal Way case, agreed. "Obviously, all broken legs don't have the same value," Frey said.

Juror Nikki Easterbrooks said the crux of the case for the jury was this: Should church officials be allowed to treat a victim's abuse complaint as a confidential confession, or are they obliged to report it to authorities? "I think abuse happens way more frequently than we think, and it gets handled internally," Easterbrooks said.

A Mormon spokesman said the church would "aggressively pursue an appeal" in the Federal Way case. Spokesman Gordon Conger said he was shocked the jury found the church liable for

damages. Conger said Taylor molested the girls in their home and did not use his church position to take advantage of his stepdaughters.

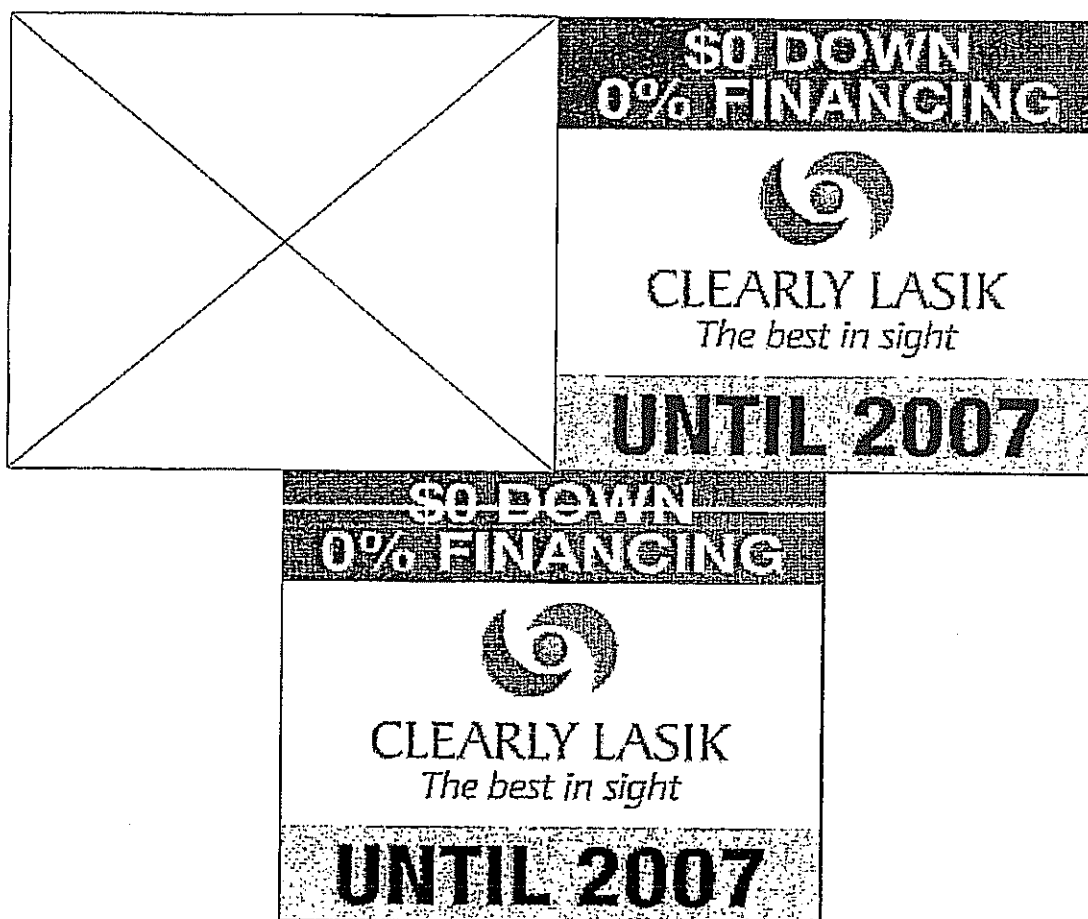
Conger maintained that the church's policy is to protect children, report abuse and



```
\n'); } if ( plugin ) { document.write('
    (navigator.appName && navigator.appName.indexOf("Netscape")>=0 &&
    navigator.appVersion.indexOf("2.")>=0))
```



```
{document.write('
excommunicate offenders.
```

But the jury believed the church acted improperly, Kosnoff said, based on the sisters' allegations that they were persistently abused by their then-stepfather.

The older sister, Jessica Cavalieri, now 24, said she first told her church bishop in 1994 that Taylor had started abusing her when she was 7. She said her bishop, the local congregation leader, met with her mother and Taylor. But the bishop did not tell her mother about the abuse, Cavalieri said. Instead, he encouraged the family to work out problems through worship, she said.

The girl was unaware her mother did not know of the abuse, and because her mother did not come to her aid, Cavalieri said, she felt ashamed and frightened to tell anyone else. She endured the abuse for five more years, while Taylor started abusing her younger sister, Ashley Cavalieri, according to court documents.

The Seattle Times does not name sexual-abuse victims without their permission. Both sisters consented in this case, partly because they want to help other victims.

In late 1998, Taylor told the girls' mother about the sexual abuse. The mother then started divorce proceedings against Taylor and contacted police. Taylor pleaded guilty to criminal charges of

first-degree child molestation in 2001 and was sentenced to four years, three months in jail. Conger said the church "disfellowshipped" Taylor, which he likened to excommunication.

Meanwhile, the sisters sued the church. After a monthlong trial, the jury took slightly longer than a day to decide the case, returning an 11-1 verdict.

The sisters said Monday they felt relieved and vindicated by the verdict. Both are college students and say they're still haunted by the abuse. "It's always on my mind, especially when I look back at my life and how things could have been different," said Ashley Cavalieri.

Unlike her younger sister, Jessica Cavalieri remains a member of the Mormon church. She hopes her suit will help members with similar cases. "They don't know how to handle abuse victims and pedophiles," she said. "They're just completely naive."

Bob Young: 206-464-2174

Copyright © 2005 The Seattle Times Company

FILED

2007 FEB -5 PM 5:05

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, and the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendant.

NO. 06-2-09825-1 SEA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 5, 2007, copies of the following
document:

1. REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS AND/OR
MOTION FOR SUMMARY JUDGMENT;
2. SECOND DECLARATION OF PAUL D. RYTTEING; and
3. this CERTIFICATE OF SERVICE

were served at the following addresses via the methods indicated:

CERTIFICATE OF SERVICE - 1

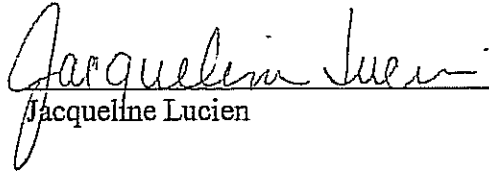
ORIGINAL

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

1 Michael T. Pfau
2 Michelle A. Menely
3 Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim LLP
4 600 University, Suite 2100
5 Seattle, WA 98101-4185
6 Co-Counsel for Plaintiff Rob Rinde
7 ☐ Mail ☒ (XX) Hand Delivery ☐ Via e-mail
8 ☐ Fax ☐ Federal Express
9

10 Timothy D. Kosnoff
11 Law Offices of Timothy D. Kosnoff
12 One Union Square
13 600 University Street, Suite 2101
14 Seattle, WA 98101
15 Co-Counsel for Plaintiff Rob Rinde
16 ☐ Mail ☒ (XX) Hand Delivery ☐ Via e-mail
17 ☐ Fax ☐ Federal Express
18
19

20 DATED this 5th day of February, 2007.

21
22 
23
24 Jacqueline Lucien
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

CERTIFICATE OF SERVICE - 2

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

Exhibit Page 495

FILED

2007 FEB -5 PM 5:05

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; a/k/a the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

NO. 06-2-09825-1 SEA

SECOND DECLARATION OF PAUL
D. RYTTING IN SUPPORT OF
REPLY BRIEF IN SUPPORT OF
MOTION TO DISMISS AND/OR
MOTION FOR SUMMARY
JUDGMENT

I, Paul D. Rytting, declare as follows:

1. My name is Paul D. Rytting. I am over the age of eighteen, and I make these
statements based upon personal knowledge.

2. I have been a member of The Church of Jesus Christ of Latter-day Saints ("the
Church") all of my life. I currently function as the Director of the Church's Risk Management
Division and have served in similar positions for fifteen years.

SECOND DECLARATION OF PAUL D. RYTTING IN
SUPPORT OF REPLY BRIEF IN SUPPORT OF MOTION TO
DISMISS AND/OR MOTION FOR SUMMARY JUDGMENT- 1

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

1 3. I also serve as the bishop of my ward (congregation) of the Church in the Salt
2
3 Lake area and am familiar with the corporate organization of Corporation of the President of The
4
5 Church of Jesus Christ of Latter-day Saints ("COP"), the organization of the Church, the
6
7 financial operations of local wards, and the polity, policy, and beliefs of the Church.
8

9 4. Missionary work is a deep spiritual obligation of every member of the Church.
10

11 5. The payment of tithing is a spiritual obligation and a privilege. The payment of
12
13 tithing is considered a privilege of membership with associated blessings. Members make an
14
15 annual, personal declaration to their bishop of whether they tithe, but no one's membership is
16
17 revoked for failing to do so. Although the Church will accept certain in-kind donations as
18
19 tithing, it does so exclusively through a corporate entity like COP – the Church as an
20
21 unincorporated association does not take title to real property.
22

23 6. The Church does not own or lease any property used by local missions. COP
24
25 funds the operation of local missions.
26

27 7. The donated funds collected by local wards are deposited in local banks. Within
28
29 24 hours, those accounts are swept into a central account owned by COP.
30

31 8. The checking (disbursement) account used by domestic local wards and stakes is
32
33 owned by Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day
34
35 Saints ("CPB"). Funds in this account are provided by COP from contributed revenue, including
36
37 tithing.
38

39 9. The budget of a local ward is an amount allocated to local units by COP and CPB.
40
41 The local units are aided greatly in tracking and administering budgets by COP and CPB
42
43 employees. The "budget" of a local unit is not connected to the amount of donations received.
44
45

1 10. Fast offerings are used solely for the purpose of providing for the poor and needy.
2
3 Fast offering donations are collected by local wards, but are also deposited in local bank
4
5 accounts that are swept into a central COP account.
6

7 11. Local leaders sign checks on the CPB account to provide for the needy in their
8
9 area. In most instances, the Church does not have to pay for food or other commodities provided
10
11 to the needy inasmuch as CPB and affiliated entities operate their own farms and other facilities
12
13 for welfare purposes. Thus, the Church can simply provide food and other commodities to the
14
15 needy, which may include people of other faiths. Money to pay for needed items not available
16
17 within the system comes from COP, not Church, bank accounts via the CPB disbursement
18
19 account.
20

21 12. Welfare operations and facilities are all owned and operated by CPB and other
22
23 corporate entities, not the Church.
24

25 13. Local wards and stakes and their bishops and stake presidents do not do enter into
26
27 contracts. They do not buy the furniture in their buildings. They do not employ the maintenance
28
29 staff or even pay the light bill. They do not own or maintain the properties.
30

31 I declare under penalty of perjury that the foregoing is true and correct.
32

33 SIGNED at Salt Lake City, Utah, this 5th day of February, 2007.
34

35
36
37
38
39
40
41
42
43
44
45



PAUL D. RYTTING

FILED

2007 FEB -5 PM 5:04

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

The Honorable William L. Downing
Hearing Date: February 9, 2007 at 11:15 a.m.

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; and the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

NO. 06-2-09825-1 SEA

REPLY BRIEF IN SUPPORT OF
MOTION TO DISMISS AND/OR
MOTION FOR SUMMARY
JUDGMENT

I. INTRODUCTION

COP's motion should be granted because Plaintiff concedes the two central bases of the motion.

First, plaintiff concedes the Church is not needed to prove liability or recover damages. Plaintiff asserts he would "dismiss the Mormon Church" if COP stipulates that "any person or entity who would otherwise be an agent of the Mormon Church is an agent of COP."¹ COP so

¹ Pl.'s Memo in Opposition at 4:22.

REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS - I

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154-1007
Phone (206) 467-6477
Fax (206) 467-6292

ORIGINAL

1 stipulates and the Court need go no further—the motion should be granted. When COP states it
 2
 3 “stands in the shoes of the Church,” it means that any person who the jury otherwise would find
 4
 5 to be an agent of the Church (if the Church were a party) is an agent of COP. There will be no
 6
 7 “empty chair,” and COP will not assign “fault” to the Church if the Church is dismissed.
 8
 9 Naming the Church as a defendant is no more proper than naming an operating division of a
 10
 11 corporation. In each case, the related corporate entity is the proper party to answer for the
 12
 13 alleged acts of negligence.

14
 15 Second, plaintiff fails to discuss, much less rebut, the cases cited by COP that hold that
 16
 17 when a religious society incorporates, the spiritual church “endures wholly free from civil law.”²
 18
 19 When a religious organization adopts a corporate form, it is only that entity that answers in court
 20
 21 for the unincorporated church.

22 23 II. ARGUMENT

24 25 A. Plaintiff Fails to Rebut the Legal Basis of the Motion.

26 27 1. When a Religious Organization Incorporates, the Remaining Spiritual 28 Organization Is Not Subject to Suit.

29
 30 COP’s central legal argument was not rebutted by plaintiff, and thus it must be deemed
 31
 32 conceded. As COP stated in its opening motion, once a religious entity chooses to incorporate,
 33
 34 one can bring suit only against the corporate form:

35
 36 Whenever a religious society incorporates, it assumes a dual
 37
 38 existence; two distinct entities come into being—one, the Church,
 39
 40 which is conceived and endures wholly free from civil law, and the
 41
 42 other, the corporation created through the state prescribed method.
 43
 44 . . . The components of the ecclesiastical relationship between the
 45
 46 parent church and the subordinate body cannot be permitted to
 47
 48 serve as a bridge capable of reaching the non-secular parent in a
 49
 50 civil proceeding.

51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525
 526
 527
 528
 529
 530
 531
 532
 533
 534
 535
 536
 537
 538
 539
 540
 541
 542
 543
 544
 545
 546
 547
 548
 549
 550
 551
 552
 553
 554
 555
 556
 557
 558
 559
 560
 561
 562
 563
 564
 565
 566
 567
 568
 569
 570
 571
 572
 573
 574
 575
 576
 577
 578
 579
 580
 581
 582
 583
 584
 585
 586
 587
 588
 589
 590
 591
 592
 593
 594
 595
 596
 597
 598
 599
 600
 601
 602
 603
 604
 605
 606
 607
 608
 609
 610
 611
 612
 613
 614
 615
 616
 617
 618
 619
 620
 621
 622
 623
 624
 625
 626
 627
 628
 629
 630
 631
 632
 633
 634
 635
 636
 637
 638
 639
 640
 641
 642
 643
 644
 645
 646
 647
 648
 649
 650
 651
 652
 653
 654
 655
 656
 657
 658
 659
 660
 661
 662
 663
 664
 665
 666
 667
 668
 669
 670
 671
 672
 673
 674
 675
 676
 677
 678
 679
 680
 681
 682
 683
 684
 685
 686
 687
 688
 689
 690
 691
 692
 693
 694
 695
 696
 697
 698
 699
 700
 701
 702
 703
 704
 705
 706
 707
 708
 709
 710
 711
 712
 713
 714
 715
 716
 717
 718
 719
 720
 721
 722
 723
 724
 725
 726
 727
 728
 729
 730
 731
 732
 733
 734
 735
 736
 737
 738
 739
 740
 741
 742
 743
 744
 745
 746
 747
 748
 749
 750
 751
 752
 753
 754
 755
 756
 757
 758
 759
 760
 761
 762
 763
 764
 765
 766
 767
 768
 769
 770
 771
 772
 773
 774
 775
 776
 777
 778
 779
 780
 781
 782
 783
 784
 785
 786
 787
 788
 789
 790
 791
 792
 793
 794
 795
 796
 797
 798
 799
 800
 801
 802
 803
 804
 805
 806
 807
 808
 809
 810
 811
 812
 813
 814
 815
 816
 817
 818
 819
 820
 821
 822
 823
 824
 825
 826
 827
 828
 829
 830
 831
 832
 833
 834
 835
 836
 837
 838
 839
 840
 841
 842
 843
 844
 845
 846
 847
 848
 849
 850
 851
 852
 853
 854
 855
 856
 857
 858
 859
 860
 861
 862
 863
 864
 865
 866
 867
 868
 869
 870
 871
 872
 873
 874
 875
 876
 877
 878
 879
 880
 881
 882
 883
 884
 885
 886
 887
 888
 889
 890
 891
 892
 893
 894
 895
 896
 897
 898
 899
 900
 901
 902
 903
 904
 905
 906
 907
 908
 909
 910
 911
 912
 913
 914
 915
 916
 917
 918
 919
 920
 921
 922
 923
 924
 925
 926
 927
 928
 929
 930
 931
 932
 933
 934
 935
 936
 937
 938
 939
 940
 941
 942
 943
 944
 945
 946
 947
 948
 949
 950
 951
 952
 953
 954
 955
 956
 957
 958
 959
 960
 961
 962
 963
 964
 965
 966
 967
 968
 969
 970
 971
 972
 973
 974
 975
 976
 977
 978
 979
 980
 981
 982
 983
 984
 985
 986
 987
 988
 989
 990
 991
 992
 993
 994
 995
 996
 997
 998
 999
 1000